

ORIGINAL

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

4 -----:

5 IN THE MATTER OF: : Docket Nos.
6 CONSOLIDATED EDISON COMPANY OF : 50-247 SP
7 NEW YORK (Indian Point Unit 2) :
8 POWER AUTHORITY OF THE STATE OF : 50-286 SP
9 NEW YORK)Indian Point Unit 3) :

10 -----:

11 Westchester County Courthouse
12 111 Grove Street
13 White Plains, N.Y.

14 March 30, 1983

15 The hearing in the above-entitled
16 matter convened, pursuant to notice, at 9 a.m.

17 BEFORE:

18 JAMES GLEASON, Chairman
19 Administrative Judge

20
21 OSCAR H. PARIS
22 Administrative Judge

23
24 FREDERICK J. SHON
25 Administrative Judge

1 A P P E A R A N C E S:

2 On Behalf of Licensee, Consolidated Edison Company
3 of New York

4 BRENT L. BRANDENBURG, ESQ.

5 Assistant General Counsel

6 THOMAS L. FARRELLY, ESQ.

7 Consolidated Edison Company of New York

8 4 Irving Place

9 New York, N.Y. 10003

10

11 On Behalf of Licensee, The Power Authority of the
12 State of New York

13 JOSEPH J. LEVIN, ESQ.

14 Morgan Associates, Chartered

15 1899 L Street

16 Washington, D.C. 20036

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18 DAVID H. PIKUS, ESQ.

19 RICHARD F. CZAJA, ESQ.

20 Shea & Gould

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1 On Behalf of the Nuclear Regulatory Commission
2 Staff

3 DONALD HASSELL, ESQ.

4

5 On Behalf of the Federal Emergency Management
6 Agency

7 STEWART GLASS, ESQ.

8

9 On Behalf of the Intervenors

10

11 Council of the City of New York

12 CRAIG KAPLAN, ESQ.

13

14 Friends of the Earth, Inc., and

15 New York City Audubon Society

16 RICHARD HARTZMAN, ESQ.

17

18 New York Public Interest Research Group

19 JOAN HOLT, ESQ.

20 AMANDA POTTERFIELD, ESQ.

21 JUDITH KESSLER, ESQ.

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1 C O N T E N T S

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3 WITNESSES DIRECT CROSS REDIRECT RECROSS BOARD

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5

6 RUSSEL DYNES

7 SIDNEY LECKER

8 Mr. Pikus 11960 12023

9 Ms. Posner 11967

10 Mr. Brandenburg 12037

11 PHILIP SCHMER

12 MICHAEL SCALPI

13 Mr. Pikus 12077

14 Mr. Brandenburg 12147

15 Ms. Fleisher 12155

16 Ms. Posner 12188

17 Mr. Pikus 12203

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C O N T E N T S (Cont'd)

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LIMITED APPEARANCE STATEMENT

Michael Scalpi

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C O N T E N T S (Cont'd)

EXHIBITS

NUMBER	IDENTIFIED	RECEIVED
PA-44	January 21, 1983 letter	12068

1 JUDGE GLEASON: Can we proceed,
2 please?

3 I believe the licensees have
4 witnesses to call.

5 MR. PIKUS: Judge, the licensees call
6 Dr. Russell Dynes and Dr. Sidney Lecker.

7 JUDGE GLEASON: All right, gentlemen.
8 Will you please come over to the table? If you
9 will stand and raise your right hands I will swear
10 you in.

11 Thereupon,

12 DR. RUSSELL DYNES

13 SIDNEY LECKER, M.D.

14 were sworn by the Administrative Law Judge and
15 testified as follows:

16 DIRECT EXAMINATION BY MR. PIKUS:

17 Q. Dr. Dynes, do you have before you a
18 document entitled Licensees Testimony of Dr.
19 Russell Dynes? It contains ten pages of testimony
20 and a 16 page annexed resume?

21 A. (Witness Dynes) Yes.

22 Q. Dr. Dynes, would you please state
23 your named for the record?

24 A. (Witness Dynes) Russell Dynes, 346
25 South College Avenue, Newark, Delaware.

1 Q. Dr. Dynes, is the testimony you have
2 before you testimony which you wish to submit to
3 the Atomic Safety and Licensing Board in this
4 proceeding?

5 A. (Witness Dynes) Yes, with one minor
6 correction. I think at the time of the filing of
7 the testimony I was in a different occupation,
8 different job, and different city.

9 At that time I was Executive Officer
10 of the American Sociological Association in
11 Washington.

12 Currently I am a Professor in charge
13 of the Department of Sociology at the University
14 of Delaware, in Newark, Delaware.

15 Q. Are there any additional changes or
16 corrections that you wish to make to your own
17 testimony?

18 A. (Witness Dynes) I don't believe so.

19 Q. And with those changes, Dr. Dynes, is
20 the testimony you have before you true and correct
21 to the best of your knowledge information and
22 belief?

23 A. (Witness Dynes) Yes.

24 MR. PIKUS: Judge, the licenses at the
25 time move the acceptance of the testimony to be

1 bound into the record as if read.

2 JUDGE GLEASON: Proceed with your
3 other witness.

4 Q. Dr. Lecker, would you please state
5 your name and address for the record?

6 A. (Witness Lecker) Yes. Sidney Lecker,
7 M.D., 320 East 65th Street, New York New York
8 10021.

9 Q. Do you have before you at this time a
10 document entitled Licensees Testimony of Sidney
11 Lecker, M.D., which contains twelve pages of text
12 and a four page annexed resume?

13 A. (Witness Lecker) Yes, I do.

14 Q. And is this the testimony that you
15 wish to submit to the Atomic Safety and Licensing
16 Board in this proceeding?

17 A. (Witness Lecker) Yes.

18 Q. Are there any additions or
19 corrections you wish to make at this time?

20 A. (Witness Lecker) No.

21 MR. PIKUS: Judge, the licensees
22 would respectfully move the testimony of Dr.
23 Sidney Lecker into evidence to be bound into the
24 record as if read.

25 JUDGE GLEASON: Is there an objection

1 to the admission of the testimony of the witnesses?

2 MS. POTTERFIELD: Yes, there is,
3 Judge Gleason.

4 Ordinarily, as you know, the
5 intervenors' position has been to encourage the
6 Board to admit as much evidence as possible, since
7 it is an investigation.

8 However, in light of the Board's
9 rulings on our witnesses, that it was immaterial
10 what individual people living within the emergency
11 planning zone would do in the event of a
12 radiological accident at Indian Point, we have to
13 object to the testimony of Dr. Dynes and Dr.
14 Lecker as being immaterial and not probitive.

15 Their testimony purports to inform
16 the Board about the probable response of people
17 living within the emergency planning zone in the
18 event of a radiological emergency.

19 Their testimony is much more
20 attenuated than the testimony we had since they
21 rely on the research that had to do with
22 nonradiological emergencies as the basis for their
23 conclusion that people will react as they usually
24 do in a nonradiological emergency.

25 Given the boards's previous rulings

1 on intervenor witnesses, it must be concluded that
2 their testimony is at least more immaterial and
3 less probative than the testimony offered by
4 intervenors

5 MR. PIKUS: May I be heard on this?

6 JUDGE GLEASON: Yes.

7 MR. PIKUS: Your Honor, the motions
8 to strike various intervenor witnesses were made
9 in some instances by the Power Authority. And
10 there is a distinction between experts which we
11 drew, like Dr. Dynes and Dr. Lecker, who we did
12 not move to strike, and lay witnesses who do not
13 have the professional training and experience to
14 form a conclusory opinion.

15 Dr. Lecker and Dr. Dynes are experts
16 in the area of human response. Dr. Dynes is
17 perhaps the foremost of the authorities in the
18 country on emergency response. Dr. Lecker
19 similarly has experience in the area. Contrary to
20 what Ms. Potterfield has suggested, their
21 testimony is at least in part based on their
22 studies of human response to past radiological
23 incidents.

24 Dr. Dynes was the president of the
25 task force of the President's Commission on Three

1 Mile Island dealing with emergency preparedness.
2 Dr. Lecker has also done extensive studies in the
3 areas of nuclear power plants.

4 These men are very clearly experts,
5 and we believe that there is no basis for Ms.
6 Potterfield's objection.

7 MR. BRANDENBURG: Con Edison would
8 just add, Mr. Chairman, that the testimony of such
9 experts as Kye Ericson, which the Board did admit
10 as expert testimony in behavioral response to
11 emergency planning, is certainly in the same
12 subject area as the testimony of these witnesses.

13 Con Edison believes the motion of the
14 UCS NYPIRG to be without merit for this reason
15 and the reasons stated by Mr. Pikus.

16 (The Board conferred.).

17 JUDGE GLEASON: The Board denies the
18 objection. These witnesses are proffered as
19 experts. The witnesses that were denied, whose
20 testimony was denied admission this past week by
21 some witnesses by the intervenors, were not
22 presented as experts, and there is a clear and
23 distinct difference in admitting those witnesses
24 to this proceeding, which the Board has recognized
25 in its ruling.

1 We, of course, always offer the
2 opportunity to counsel to question their expertise,
3 if she wants to do that. Barring that, the motion
4 is denied.

5 Do you want to proceed, Ms.
6 Potterfield?

7 MS. POTTERFIELD: Ms. Posner will
8 question the witnesses.

9 JUDGE GLEASON: The testimony of the
10 witnesses will be admitted into evidence and bound
11 into the record as if read.

12 (Bound testimony follows.)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:
Louis J. Carter, Chairman
Frederick J. Shon
Dr. Oscar H. Paris

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In the Matter of) Docket Nos.
CONSOLIDATED EDISON COMPANY OF NEW YORK,) 50-247 SP
INC. (Indian Point, Unit No. 2)) 50-286 SP
)
POWER AUTHORITY OF THE STATE OF NEW YORK) June 7, 1982
(Indian Point, Unit No. 3))
-----x

LICENSEES' TESTIMONY
OF DR. RUSSELL DYNES

ATTORNEYS FILING THIS DOCUMENT:

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TESTIMONY

I. INTRODUCTION

Purpose of Testimony

My name is Russell R. Dynes. This testimony has been prepared in response to Commission Questions 3 and 4 and relates to the Board contentions thereunder. The purpose of this testimony is to establish that the human response to various emergencies shows consistency across different types of disaster agents, including radiological ones. Thus, one can anticipate the range of actions likely to occur in various emergencies, regardless of the unique characteristics of the originating agent.

Given this, it can be appropriately concluded that in all types of emergencies, there will be a behavioral capability that will permit corrective and preventative actions which will minimize consequences. Past experience also suggests the high probability of appropriate responses on the part of those charged with emergency responsibility.

Personal Qualifications

I am the current Executive Officer of the American

Sociological Association, in Washington, D.C. I received a Bachelor of Arts degree in Sociology/Psychology in 1948, and a Master of Arts degree in Sociology in 1950, both from The University of Tennessee. In 1954, I received a Ph.D. degree in Sociology from The Ohio State University. I taught at the university level virtually constantly from 1948 through 1977. In 1964, I became the Co-Director of the Disaster Research Center at The Ohio State University. I held that position until 1977. I also served as the Chair of the Department of Sociology at The Ohio State University, from 1974 through 1977, when I accepted my current position at the American Sociological Association. I am a member of the American Academy of Political and Social Sciences, the North Central Sociological Association, and the International Sociological Association.

I have lectured and published extensively in a wide range of fields of sociology, with a special emphasis on emergency planning and preparedness. I sat as a member of the Advisory Committee on Emergency Housing of the National Academy of Sciences/National Research Council in 1972, and chaired that organization's Committee on International Disaster Assistance from 1976 to 1979; I acted as a consultant to the Federal Disaster Assistance Administration of the Department of Housing and Urban Development, and served as a senior consultant on the

the emergency plan if they are to work. The planner must learn about actual problems and possible solutions. The planner must convey to those likely to become involved in implementing the plan what can be generally expected and what roles they will play. Too often, planning is seen only in the narrow sense of completing written plans. It is more useful to think of planning in the broader sense of educating prospective emergency response personnel about anticipated events and problems, and the most efficient and effective responses in an emergency. Exercises, drills, and publicity are among the most effective means of accomplishing such objectives.

C. Planning should focus on principles, not details.

In developing written plans, there is a tendency to elaborate them with specific details. Emergency plans should focus on principles, not concrete details. This does not necessarily mean that such plans should not be lengthy. Rather, it means that planning should focus on creating an organizational framework, and not become enmeshed in such details as emergency worker compensation or identification of all emergency workers down to the operational level. There are several reasons for this. First, it is impossible to anticipate everything. Second, situations are constantly changing and specifics quickly become outdated. Third, too many details leave the impression that everything is of equal value, when clearly that

is not the case. While emergency planning cannot totally ignore details, particularly at the organizational level, it always should focus on general principles and in that sense the aim should be to produce simple, rather than complex, written plans.

D. Planning attempts to reduce the unknowns in a problematical situation. While in some instances planning is oriented to prevention, most planning is oriented toward altering or modifying what will happen. Plans can indicate the range of problems that might occur and possible solutions to them. Thus, planning reduces the uncertainty of emergencies; it does not prevent them from happening. It is unwise to assume that everything can be anticipated or that all of the unknown can be accurately predicted.

E. Planning should be based on what is likely to happen, not on the worst scenario. Often, the initial inclination is to premise planning on the worst possible case; the human imagination is scarcely limited in developing such worst cases. However, it is best to plan for likely cases. It is thus better to plan for an evacuation suitable to a likely scenario than to plan a massive evacuation based on an unlikely scenario. In the case of radiological emergency planning, for example, it would be counterproductive to plan for a scenario

combining a low probability plant accident with a severe blizzard on a day when all local police chiefs are out-of-town at a convention. Sound plans for likely cases serve as the basis for actions on a larger scale, if necessary.

F. Planning aims at evoking appropriate actions.

Sometimes, planning is seen as primarily a mechanism of expediting response to an emergency. That can be an end result. A major objective of planning, however, is appropriateness of response rather than speed of response. As an example, it is generally more important to obtain valid information as to what has happened than to take immediate action. Reacting to the immediate situation is rarely the most effective and efficient response. Thus, one objective of planning should be to delay impulsive reactions as well as to evoke appropriate actions.

Planning for emergencies should thus be based on certain general principles, rather than focused on specific details. Planning should focus on anticipating how community resources, both material and human, can be utilized most effectively in responding to a likely situation in the future. Such resources already exist in the community and cannot be created by some future demand. Thus, planning must be based on the idea of anticipating the ways in which existing resources can be mobilized to confront "old problems" in a new form during an emergency.

such conflicts exist. Emergency personnel generally perform their tasks because they know that their fellow emergency workers will care for their families. If need develops for additional personnel, volunteers can provide supplemental assistance. In fact, the major problem in most emergencies is too much manpower, since others in the community are generally "released" of other non-critical responsibilities. Too, "victims" are always a source of emergency assistance, if needed. Such persons do not wait to have something done for them by others, but are actively seeking solutions for themselves and others.

In addition to those involved actively in providing emergency services, research suggests that the "public" seeks out appropriate ways of maintaining safety and avoiding danger. They actively seek out information and guidance as to appropriate behavior. They do this by seeking both informal and formal channels of advice as to appropriate actions in the context of the emergency. Even those responses which require considerable energy and effort can be accomplished without major difficulties. For example, after a train derailment in Mississauga, Ontario created a chlorine gas threat, 220,000 people were evacuated successfully from the area in a 24-hour period. Even with confusing guidance from authorities, 144,000 persons evacuated the area around Three Mile Island over the course of a week. During the first evacuation of London in September 1939,

approximately 1,500,000 were evacuated from the central city. A study by the Environmental Protection Agency which examined U.S. evacuations from 1960 to 1973 concluded that, each year, there are an average of 40 evacuations, involving 85,000 persons. Over the entire time period, 1,142,000 persons were evacuated, and the study concluded that associated with these evacuations there were 10 deaths, including seven in one helicopter accident. The study concluded the risks associated with evacuation were less than those associated with automobile accidents.

While evacuation is only one of the responses which can reduce danger in emergencies, it is used here as an example to suggest that, as one element in an overall emergency plan, previous evidence shows that massive evacuations can be accomplished. More generally, if plans have developed ways of dealing with an emergency to mobilize the community for action and to provide guidance for appropriate action, such planning leads to compliance. In addition, populations are seldom completely dependent on "official" plans since people are "problem solving" and can make necessary adjustments within an overall plan framework. Research shows also that in such a time period, people are helpful, not selfish, in providing assistance to others. There are few opportunities these days in which we can provide personal assistance to others, since most assistance is now bureaucratic and impersonal. Community emergencies offer

one of the few opportunities to take actions which have a direct bearing on our own safety and the safety of others.

IV. CONCLUSION

Emergency planning is predicated on the notion of mobilizing community resources to meet uncommon threats within a community. Planning is most useful when it is directed to a range of hazards, rather than being directed to a specific type. While various agents which can create emergencies differ, the nature of the problems and the mechanisms of community mobilization are similar across a variety of hazards. In addition, the responses desired in different types of emergencies show identities and similarities. Empirical evidence suggests that responses to radiological agents follow similar patterns to those involving other non-radiological agents. Thus, the assumptions underlying planning for radiological emergencies and the behavior to be anticipated can be informed by the research evidence which has been accumulated in situations involving other, non-radiological emergencies.

Research Experience (continued):

- Co-Principal Investigator, "Cross Cultural Studies of Disaster,"
Mershon Social Science Foundation, 1968-71.
- Co-Principal Investigator, "Organizational Response to Major Community
Crises," National Institute of Mental Health, 1968-74.
- Co-Principal Investigator, "Organizational Functioning in Disaster,"
Office of Civil Defense, Department of Defense, 1963-77.
- Co-Principal Investigator, "Police Behavior in a College Riot," Law
Enforcement Assistance Administration, 1970-71.
- Co-Principal Investigator, "Delivery of Mental Health Services in
the Xenia Disaster," State of Ohio Department of Mental Health and
Mental Retardation, 1974-75.
- Co-Principal Investigator, "Organizational Communication and Decision
Making in Disaster," Advanced Projects Research Agency, 1974-75.
- Co-Principal Investigator, "Delivery of Emergency Medical Services
in Disaster," Bureau of Health Services Research, Health Resources
Administration, National Institutes of Health, Department of Health,
Education, and Welfare, 1975-77.
- Co-Principal Investigator, "Delivery of Mental Health Services in
Disaster," National Institute of Mental Health, 1976-79.
- Co-Principal Investigator, "Development of Baseline Information of
Mental Health Disaster Assistance/Crises Intervention Needs and
Resources," National Institute of Mental Health, 1976-77.
- Principal Investigator, Various Projects related to the Activities
of the American Sociological Association, NSF, NIE, FIPSE, Lilly,
1977-

Conference and Workshop Participation:

- Participant, Conference on Social Theory, Emory University, 1956.
- Participant, Seminar on "Interpretations of Religion in Sociological Theory," University of North Carolina, 1959.
- Delegate, International Consultation on the Sociology of Religion, Georgetown University, September, 1962.
- Participant, Workshop on Crisis Research, Sponsored by the University of Pittsburgh and the System Development Corporation, Newport Beach, California, December, 1966.
- Participant, Workshop on Sociological Aspects of Water Resources Research, Utah State University, May, 1968.
- Participant, Caribbean Regional Seminar on Pre-Disaster Preparedness, Port-of-Spain, Trinidad, June, 1968.
- Participant, Illeme Seminaire Sur La Planification Des Secours En Cas De Catastrophes Naturelles, Port-au-Prince, Haiti, June, 1970.
- Faculty Member, Institute of Comparative Sociology, Seminar on Political Violence, University of Illinois, Urbana, Illinois, July, 1970.
- Participant, "Methodological Issues in Comparative Research," Institute of Comparative Sociology, Indiana University, Bloomington, Indiana, April, 1971.
- Principal Lecturer, Seminar on the Sociological Aspects of Collective Stress, Sponsored by Patna University, A. N. Sinha Institute and the U. S. Educational Foundation in India, Patna. Bihar, India, March, 1972.
- Participant, Seminar on Organizational and Community Responses to Disasters, Sponsored by National Science Foundation and Japan Society for Promotion of Science, Columbus, Ohio, September, 1972.
- Participant, NIMH Continuing Education Seminar in Emergency Mental Health Services, Washington, DC, June 22-24, 1973.
- Participant, Invitational Conference, "The Assessment of Social Impacts of Oil Spills," The Institute on Man and Science, Rensselaerville, New York, September 25-28, 1973.
- Participant, International Conference of Disaster Researchers, Sponsored by the Centre d'Etudes Psychosociologique des Sinistres et de leur Prevention, Paris, France, September 5-6, 1974.
- Participant, Consultant, "Interorganizational and Interagency Relations in Major Disasters," National Emergency Planning Establishment, Government of Canada, Arnprior, Ontario, October 22-24, 1974.

Publications:

Books:

- 1964 Social Problems: Dissensus and Deviation in an Industrial Society. New York: Oxford University Press. 594 pp. (Co-author).
- 1969 Deviance: Studies in the Process of Stigmatization and Societal Reaction. New York: Oxford University Press. (Co-author).
- 1970 Organized Behavior in Disaster. Lexington: D. C. Heath. 236 pp. (Republished 1976).
- 1975 Social Movements, Violence and Change: The May Movement in Curacao. Columbus: The Ohio State University Press. (Co-author).
- 1975 Deviance: Definition, Management and Treatment. New York: Oxford University Press. (Co-author).
- 1982 Sociology in Applied Settings, (tentative title) (Howard Freeman, Russell R. Dynes, Peter Rossi, William Foote Whyte, eds.)

Chapters, Monographs, and Reports:

1. 1951 Homes for the Homeless in Tennessee. Knoxville: The University of Tennessee. Publication of the Bureau of Sociological Research, The University of Tennessee Record Extension Series, Volume 27, No. 4, 67 pp. (with William E. Cole).
2. 1954 "The Urban Class System" and "The Urban Religions." Pp. 115-141 and 191-209 in William E. Cole (ed.), Dynamic Urban Sociology. Harrisburg: Stackpole Press.
3. 1955 Mobile Industrial Workers and the Church: A Study of People on the Move in Ohio's Atomic Area. National Council of Churches, Division of Home Missions. 31 pp.
4. 1956 Consequences of Population Mobility for School and Community Change. Columbus: School-Community Development Study, The Ohio State University. 132 pp.
5. 1957 Social Factors Related to Adaptability of Air Force Pilot Trainees. Columbus: Research Foundation, The Ohio State University. 176 pp. (with Alfred Clarke and John Cuber).
6. 1959 "The Relation of Community Characteristics to Religious Organization and Behavior." Pp. 253-268 in Marvin Sussman (ed.), Community Structure and Analysis. New York: Thomas Y. Crowell Co.

Publications (continued):

Chapters, Monographs, and Reports (continued):

7. 1960 "The Inner City Church." Pp. 15-18 in John Lane Williams (ed.), Our Mission to the City. Report of Methodist Inner City Conference.
8. 1964 "Some Preliminary Observations in Organizational Responses in the Emergency Period after the Niigata, Japan Earthquake of June 16, 1964." Research Report #11, Disaster Research Center, 49 pp. (with J. E. Haas and E. L. Quarantelli). (Republished in entirety in Japanese by Japanese Government).
9. 1964 "Some Preliminary Observations of the Response of Community Organizations Involved in the Emergency Period of the Alaskan Earthquake." Working Paper #2, Disaster Research Center, 28 pp. (with J. E. Haas and E. L. Quarantelli).
10. 1966 Observations on Social Change. Sirs-el-layyan, UAR: Arab States Center for Education for Community Development. 44 pp. (in English and Arabic).
11. 1967 Acceptance of Change, Part I. Sirs-el-layyan, UAR: Arab States Center for Education for Community Development. 29 pp. (with Louis K. Meleika).
12. 1968 The Functioning of Established Organizations in Community Disasters. Report Series No. 1. Columbus: Disaster Research Center. 52 pp. (with George Warheit).
13. 1968 "Operational Problems of Organizations in Disasters." Pp. 151-176 in 1967 Emergency Operations Symposium. Santa Monica: System Development Corporation.
14. 1969 Community Priorities in the Anchorage, Alaska Earthquake, 1964. Monograph Series No. 4. Columbus: Disaster Research Center. 173 pp. (with Daniel Yutzy, major author, and William Anderson).
15. 1969 The Functioning of Expanding Organizations in Community Disasters. Report Series No. 2. Columbus: Disaster Research Center. 82 pp.
16. 1969 Organized Behavior in Disaster: Analysis and Conceptualization. Columbus: Disaster Research Center. 254 pp. (Republished 1970. Lexington: D. C. Heath).
17. 1970 "Different Types of Organizations in Disaster Response and Their Operational Problems." In Robert Britson (ed.), Emergency Operations. Los Angeles: Tinnon-Brown. (with E. L. Quarantelli).

Publications (continued):

Chapters, Monographs, and Reports (continued):

18. 1970 Disruption on the Campuses of Ohio College and Universities, Spring, 1970. Report prepared for the Ohio Council of Churches and Ohio Board United Ministries in Higher Education. 119 pp. (with E. L. Quarantelli). (Several sections of this have been reprinted elsewhere.)
19. 1971 "Community Conflict: An Explanation of Its Absence in Natural Disaster." Pp. 220-204 in Clagett G. Smith (ed.), Conflict Resolution: Contributions of the Behavioral Sciences. Notre Dame: University of Notre Dame Press. (with E. L. Quarantelli).
20. 1971 Environment Crises. Columbus: Water Resources Center, The Ohio State University. 91 pp. (with Dennis Wenger).
21. 1971 A Model of Community Problem Solving and Selected Empirical Applications. Columbus: Water Resources Center, The Ohio State University. 153 pp. (with Dennis Wenger).
22. 1972 "Cross Cultural Perspective on Disaster." Pp. 235-257 in Proceedings of the Japan-United States Disaster Research Seminar: Organizational and Community Responses to Disaster. Columbus: Disaster Research Center.
23. 1972 A Perspective on Disaster Planning. Report Series No. 11. Columbus: Disaster Research Center. 94 pp. (with E. L. Quarantelli and Gary Kreps).
24. 1972 "Police Department Planning for Civil Disturbances: Organizational Factors involved in Changes." Pp. 76-88 in F. Adler and G. O. W. Mueller (eds.), Politics, Crime and the International Scene: An Inter-American Focus. Hato Rey, PR: North South Press. (with M. Brooks and E. L. Quarantelli).
25. 1972 Police Perspectives and Behavior in a Campus Disturbance. May Columbus: Disaster Research Center. 166 pp. (with E. L. Quarantelli and James L. Ross).
26. 1974 "Organizations as Victims in American Mass Racial Disturbances: A Reexamination." Pp. 121-142 in E. C. Vivano and Israel Drapkin (eds.), Victimology. Volume 4. Lexington: D. C. Heath. (with E. L. Quarantelli).
27. 1974 "Police Perspectives and Behavior in a Campus Disturbance." In Donal MacNamara and Marc Riedel (eds.), Police: Perspectives, Problems and Prospectives. New York: Praeger. (with E. L. Quarantelli and James L. Ross).

Publications (continued)

Chapters, Monographs, and Reports (continued):

38. 1979 Report of the Emergency Preparedness and Response Task Force, Staff Report to the President's Commission on the Accident at Three Mile Island, Washington, U.S. Government Printing Office, 168 pp.
39. 1981 "The Contributions of the Social Sciences to the Evaluation of Emergency Preparedness and Response" in D. Sills, C. Wolff and E. Shelanski, (eds.) The Accident at Three Mile Island: The Human Dimension, Boulder, Westview Press
40. 1981 "Biography of a Colleague" in R. Huff and I. Barak-Glantz (eds.) The Mad, The Bad and The Different, Lexington, Lexington Books (with Alfred Clarke).
41. 1982 "Models of Emergency Planning: Contributions From the Social Sciences" in Proceedings of the Third International Conference: Social and Economic Effects of Earthquakes and Planning to Mitigate Their Effects. (forthcoming)
42. 1982 "Perspectives on Applied Educational Programs" in Freeman et al, Sociology in Applied Settings, (with Irwin Deutscher)

Publications (continued):

Articles:

1. 1954 "Preference for Male and Female Children: Traditional or Affectional." Marriage and Family Living 16:128-130 (May). (with Simon Dinitz and Alfred Clark).
2. 1954 "Toward the Sociology of Religion." Sociology and Social Research 38:227-232.
3. 1955 "Church-Sect Typology and Socio-Economic Status." American Sociological Review 20:555-560.
4. 1956 "Levels of Occupational Aspiration and Selected Aspiration and Selected Aspects of Family Affection." American Sociological Review 21:212-215.
5. 1956 "Sectarianism, Rurality and Migration." Rural Sociology 21:25-28 (March).
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7. 1957 "Correlates of Marital and Sex Roles." The Graduate School Record, The Ohio State University 2:9-10 (December). (with Alfred Clarke and Simon Dinitz).
8. 1959 "Levels of Aspiration and Family Affection: Religious Preference as a Variable." The Ohio Journal of Sciences 59:103 (March). (with Alfred Clarke and Simon Dinitz).
9. 1963 "Student, Faculty and the Nature of the University." Faculty Forum, Volume 25, May.
10. 1965 "The Religious Interpretation of Disaster." Topic 10:34-48 (Fall). (Washington, PA: Washington and Jefferson College) (with Daniel Yutzy).
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12. 1966 "Natural Disaster as a Social Science Field." National Review of the Social Sciences 3:85-94. (also summary in Arabic).
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14. 1967 "Administrative, Methodological and Theoretical Problems of Disaster Research." Indian Sociological Bulletin 4.4: 215-227 (July). (with E. L. Quarantelli and J. E. Haas).

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16. 1967 "Societal and Community Problems in Disaster." EMO National Digest 7:16-18 (October).
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18. 1968 "Collective Stress and Its Relation to Water Resource Planning." Proceeding of Workshop on Sociological Aspects of Water Resources Research, Utah State University.
19. 1968 "Group Behavior Under Stress: A Required Convergence of Organizational and Collective Behavior Perspectives." Sociology and Social Research 52:416-429. (with E. L. Quarantelli).
20. 1968 "Looting in Civil Disorders: An Index of Social Change." The American Behavioral Scientist, Volume 2, March. (with E. L. Quarantelli).
21. 1968 "Looting in Civil Disturbances and Disasters." Trans-Action 5:9-14 (May). (with E. L. Quarantelli).
22. 1968 "Redefinitions of Property Norms in Community Emergencies." International Journal of Legal Research 3: 100-112 (December). (with E. L. Quarantelli).
23. 1968 "A Sociologist Looks at Water Resources Research." Proceedings of the Water Resources Colloquium. Institute for Research on Land and Water Resources, Pennsylvania State University.
24. 1969 "Dissensus and Consensus in Community Emergencies: Patterns of Looting and Property Norms." IL Politico, Revista di Science Politiche 34:276-291. (with E. L. Quarantelli) (includes an Italian summary).
25. 1969 "Organizations in Disaster." EMO National Digest 9:12-13 (April-May). (with George Warheit).
26. 1969 "Looting Patterns in Community Disasters and Disturbances." Proceedings of the Third National Symposium on Law Enforcement and Technology. Chicago: IIT Research Institute. pp. 323-327 (with E. L. Quarantelli).
27. 1970 "Editors' Introduction." American Behavioral Scientist 13:325-330. (with E. L. Quarantelli).
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49. 1980 "Sociology in China: Its Restoration and Future Role", FOOTNOTES, October
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- 1957 No. 3 in J. Milton Yinger. Religion, Society and the Individual. New York: Macmillan.
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- 1970 No. 21 in James Short, Jr. Modern Criminals. Chicago: Aldine. And in Bobbs Merrill Reprint Studies in Black History, BC 72.
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- 1971 No. 21 in H. Taylor Buckner. Deviance: Reality and Change. New York: Random House.
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:
Louis J. Carter, Chairman
Frederick J. Shon
Dr. Oscar H. Paris

-----x
In the Matter of) Docket Nos. /
CONSOLIDATED EDISON COMPANY OF NEW YORK,) 50-247 SP
INC. (Indian Point, Unit No. 2)) 50-286 SP
POWER AUTHORITY OF THE STATE OF NEW YORK) June 7, 1982
(Indian Point, Unit No. 3))
-----x

LICENSEES' TESTIMONY OF
SIDNEY LECKER, M.D.

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TESTIMONY

I. INTRODUCTION

Purpose of Testimony

My name is Sidney Lecker, M.D. I am a board certified practicing psychiatrist with my office at 320 East 65th Street, New York, New York. This testimony addresses Commission Questions 3 and 4 herein and relates to Board Contentions 3.2, 3.3, 3.7, 4.4, 4.5, and 4.7. The purpose of my testimony is to demonstrate:

- (A) that human response to radiological emergencies does not differ materially from response to non-radiological emergencies;
- (B) that psychological and behavioral assumptions underlying radiological emergency planning are valid; and
- (C) that the sociological conclusions of Dr. Russell Dynes regarding human response to radiological emergencies are supported by well-established psychological principles.

Personal and Professional Qualifications

A. General qualifications.

A copy of my resume is annexed hereto. While as my resume indicates, I have been involved in scholarship and practice in several areas of psychiatry, I am principally a child psychiatrist and have extensive experience in the area of human stress.

My experience spans a wide range, including teaching, public interest work, private practice, and consulting for corporations. I have devoted considerable time to public service work, both inside and outside of government. From 1972 to 1974, I was the State of New York's chief child psychiatrist and children's service administrator, holding the position of Assistant Commissioner for Children's Service, New York State Department of Mental Hygiene.

For the past several years, I have been principally engaged in writing, research, and private practice. During this period, I have also performed volunteer public interest consulting services for the Legal Aid Society and others, on behalf of the mentally retarded residents of the Willowbrook State School in Staten Island.

B. Experience in radiological matters.

I am among a very small group of professionals with any substantial experience in the area of human response to radiological emergencies. I became interested in this area of study several years ago in connection with my work on human stress. Because of my experience and reputation in this new field, I have had extensive contact with government officials, utility executives and plant workers, public interest groups, and the communities in areas surrounding nuclear power plants, including Three Mile Island in Pennsylvania and Diablo Canyon in California. Among the observation and consulting I have done has been my work connected with the Three Mile Island accident.

II. GENERAL ASPECTS OF BEHAVIORAL RESPONSE

Human response to an emergency does not depend on the type of emergency involved. Rather, human beings respond psychologically to the stress caused by the emergency, not to the emergency itself. Hence, there are predictable human responses common to any emergency, whether it be a flood, robbery, or radiological accident.

Stress is caused by any type of change in a person's life or environment. As noted above, there are predictable human reactions to stress.

- A. Adults generally react to stress by responding obediently to leaders and sources of authority, and instructions, particularly in the event of an emergency.

As a general principle, people under stressful situations require and seek leadership. Particularly in the initial phases of a reaction to disaster, they become responsive to authority and idealize leadership. Studies also show that the presence of bystanders who define the situation as one in which people need help encourages pro-social behavior. The combination of strong leadership, a plan of action, and useful participation in creating a solution reduces individual stress. Experimental studies in the Tavistock Human Relations literature confirm that when groups are put under stress in circumstances in which no leadership or structure is provided, the group will quickly evolve a pattern of spontaneous leadership and followership in which the followers will receptively respond to the directions of those assuming the roles of leader, or to an established plan of action. Of course, the response is usually even more positive where there is an established leader to whom people can look to assume control.

- B. Children generally react to stressful situations by (a) looking to adults who show leadership; and/or (b) productive use of optimistic anticipation.

Children generally react better than adults to

stressful situations. This occurs for one or both of two reasons.

First, much as adults look to leaders in time of emergency, children look to adults. Children look to adults (who often are, but need not be, their parents) with absolute optimism and confidence that the adults are capable of implementing an effective response. Knowing that children are dependent upon them, adults are further encouraged to follow appropriate instructions and carry out their responsibilities.

Children also, unlike adults, productively use optimistic anticipation to deal with the stress of an emergency. Because of their inability to execute a solution themselves, children use their creative imagination to anticipate a pleasant solution to a crisis. Based upon my years of experience and research as a child psychiatrist and my Three Mile Island work, I have no doubt that these principles would apply in the event of a radiological emergency at Indian Point or elsewhere.

Again, such reactions would occur regardless of the nature of the emergency, since they are responses to stress - not to the particular type of emergency.

Studies of stress conditions during non-radiological evacuations have demonstrated that responses to stress during

evacuations are generally consistent with the principles set forth in this section.

III. HUMAN RESPONSE TO RADIOLOGICAL EMERGENCIES

Human response to radiological emergencies does not differ materially from response to non-radiological emergencies. My conclusion is based not only on my testimony above, but on my work and research in connection with Three Mile Island and other radiological matters.

I strongly disagree with each of the contentions in this proceeding which suggest that human response to radiological emergencies is somehow distinguishable. Such contentions are unsupported by psychological theory or empirical evidence. The contentions appear to contain three principal attacks on the assumptions underlying radiological emergency planning: (1) that emergency workers cannot be depended upon to perform their tasks; (2) that the public will panic and not follow emergency instructions; and (3) that radiological hazards can be distinguished because of their "invisible" character. None of these arguments, however, has any merit.

Emergency Workers Can be Expected To Perform Their Tasks

Emergency personnel and others with defined roles

can be expected to fulfill their roles in a radiological emergency. This is true for the traditional emergency workers such as police and fire fighters, as well as other persons with roles in a radiological emergency response such as teachers and bus drivers.

A. Traditional emergency workers.

Little need be said about the responsiveness of traditional emergency workers such as police and fire fighters. These personnel have chosen their professions because they seek, rather than fear, crisis mastery. They know that their jobs may at times be unpleasant and involve risks, yet they willingly accept such tasks because of their desire to aid the public and play a useful and much-appreciated role. Just as a fireman will not hesitate to rush into a burning building to save a life, so too can emergency workers be expected to enter the zone requiring evacuation in a radiological emergency. The experience during the Three Mile Island accident certainly bears this out.

Indeed, an interesting finding during the Three Mile Island accident was that off-duty plant personnel entered the area to offer their help, rather than remaining outside or departing the area. They too, it seems, preferred the security of their designated roles more than they sought to put distance between themselves and the plant.

B. Other emergency workers.

Personnel with defined roles in an emergency plan can be expected to perform such roles in a radiological emergency. This applies to non-traditional emergency workers such as bus drivers, as well as traditional emergency personnel.

During an emergency, increased pressure falls upon personnel of all types to conform with pro-social behavioral patterns. This well-known principle stems from two factors.

First, having a defined role makes one feel potent and useful as opposed to being in a state of helplessness that might otherwise occur in the emergency. Second, the fact that this is a "public" emergency and one's behavior is known to others has been found to enhance pro-social responses.

Thus, a bus driver who knows that many others are dependent upon him for emergency aid is likely to perform his assigned task with alacrity. Similarly, a school teacher charged with the custody of his school children can be expected to follow instructions for care of those children. My observations at Three Mile Island indicate that the teachers there did exactly that. There was no evidence of any staff or teacher panic, but only evidence of teachers remaining at their posts and an orderly evacuation.

For these reasons, I have little doubt about the reliability of personnel assigned tasks under the emergency plan.

The Public Will Not Panic and Will
Follow Instructions

As I stated earlier, people have very predictable reactions to stress, regardless of its cause. The principal reaction is a greater level of dependency on order and authority.

Because of this desire for order, instruction and leadership, the public would turn to whatever sources existed during a radiological emergency to relieve their stress. In the case of Indian Point, as much as certain individuals may normally criticize the Governor, their County Executive, the emergency planning brochure, or the emergency plans, they would turn to such sources of order and instruction to fulfill their psychological needs in an emergency.

Public panic cannot be expected to occur as long as some form of order exists, such as the emergence of a leader or the presence of an emergency plan. Moreover, as Dr. Dynes has correctly pointed out, even in the absence of such leadership, there is no historical evidence of panic during any of the many past evacuations which have taken place. There is a well-established psychological principle underlying this result,

known as "isolation of affect." People accept the reality of an emergency without drastic emotion, instead withholding "payment of their emotional dues" until safety has been achieved. A common example is the exhaustion felt after a stressful encounter.

Panic is avoided because panic is an emotional reaction. The human body responds physically and psychologically to an emergency by deferring emotional release until the perceived danger has subsided.

An important point regarding both the public and emergency workers is that their own predictions as to how they would respond to a radiological emergency are of limited value. I assign little credence to predictions that bus drivers will not show up or people will ignore the plan, even when such predictions are made by the individuals themselves.

Once an emergency sequence begins, the human mind and body mobilize, and an entirely new attitude emerges. Even the most ardent critics of an evacuation plan can be expected to follow that plan, if for no other reason than because it exists. Put another way, if the emergency plan is the established blueprint for response to an emergency, people will turn to it when the emergency occurs.

It is nearly impossible, without rigorous simulation such as aircraft pilot training, to forecast an aberrant response by an individual to an emergency in the absence of such an emergency. On the other hand, empirical post-emergency evidence and the mainstream of psychological scholarship show repeatedly that the public and emergency workers have reacted in an orderly, obedient manner, and have not panicked.

Thus, the level of confidence people presently have in the emergency plan has no bearing on their reaction during an actual emergency.

The "Invisibility" of the Threat Does
Not Enhance Fear or Create Panic

The principal distinction apparently raised by the intervenors between radiological and non-radiological emergencies is that radiation cannot be detected by the human senses. Again, I have never seen a shred of empirical evidence in support of this distinction.

If anything, the fact that the threat is imperceptible should reduce fear, rather than enhance it. As an example well known to psychiatrists, a surgical patient is far less afraid of prolonged anesthesia than he is of the surgeon's knife, despite the fact that the anesthesia is much more dangerous. But the more visible threat, the knife, is the greater fear producer.

I find it simply incredible -- as a matter of psychology or even common sense -- to assert that a firefighter would be more afraid to enter a potentially contaminated area with a dosimeter than he would be to enter a blazing building in danger of imminent collapse.

IV. CONCLUSION

Available evidence leads to the conclusion that human response to radiological emergencies would not differ materially from response to non-radiological emergencies. Hence, the human response assumptions used in the radiological emergency planning are valid.

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POSTGRADUATE TRAINING: Internship: Jewish General Hospital
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Residency: University of Cincinnati, Dept. of Psychiatry
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PROFESSIONAL BOARD CERTIFICATIONS: College of Physicians and Surgeons, Quebec, 1967
Fellow of the Royal College of Physicians of Canada -1973
American Board of Psychiatry and Neurology in
General Psychiatry - 1971 # 11290
American Board of Psychiatry and Neurology in
Child Psychiatry - 1975 # 837

ACADEMIC AND/OR PROFESSIONAL EXPERIENCE: Lecturer, Department of Psychiatry, Faculty of
Medicine, McGill 1968-70
Lecturer, Faculty of Education, MacDonald College of
McGill University (1969-70)
Assistant Professor, Dept. of Psychiatry and Child Study
Center, Yale University 1971-72

Assistant Professor, Psychiatry, Mt. Sinai
School of Medicine of THE C.U.N.Y. 1972-present

OTHER PROFESSIONAL
ACTIVITIES:

Consultant, The Commission of Inquiry
Non-Medical Use of Drugs (Canada)
Consultant, New York State Division for Youth
Consultant, The Portage Program for Drug Dependencies
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CLINICAL APPOINTMENTS:

Director, Child and Adolescent Psychiatry,
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1967-1969

Assistant Psychiatrist - Montreal Children's Hospital.
1967-1971

Assistant Commissioner for Children's Service
New York State Department of Mental Hygiene
1972-1974

Attending Psychiatrist, Mt. Sinai Medical Center

On Staff of Good Samaritan Hospital 1972

Founder and President of Corporate StressControl Services, Inc.
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HONORS & AWARDS:

Sir William Mac Donald Scholarship - McGill, 1955
Graham-Petrie Scholarship - McGill, 1956
University Scholarship - McGill, 1959

MEMBERSHIP IN PRO-
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SCIENTIFIC
PUBLICATIONS:

LECKER, S., et al, "Brief Intervention: A Pilot Walk-In Clinic In Suburban Churches."
The Canadian Psychiatric Association Journal, Vol.16,1971.

LECKER, S., Coping with Drug Abuse, A Community Social Action Approach.
Canada's Mental Health - Supplement No. 64, March-April, 1970.

LECKER, S., Coping with Drug Abuse, An Indigenous Multi-disciplinary Clinic for
Youth. Canada's Mental Health - Supplement No. 64 March-April, 1970.

LECKER, S., Adolescence - A Cultural Dilemma. McGill Journal of Education.
Vol V, No. 1- Spring 1970

SCIENTIFIC
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(Cont.)

- LECKER, S., Changes in the Youth Culture, The Doctor's Role.
Guest Editorial, International Journal of Surgery, Sept. 1971, Vol 56, No. 3
- LECKER, S., Innovative Services for Youth, Tape, Behavioral Science Tape Library, 1972
- LECKER, S., Family Factors, Interpersonal Competence and Drug Addiction.
The Addiction Therapist, Vol. 1, No. 2 - Spring 1975
- LECKER, S., et al, New Approaches to Adolescent Psychotherapy, A Therapeutic
System Approach. The Pediatric Clinics of North America 20: 883, November 1973.
- LECKER, S., Family Therapies. Treatment Methods of Mental Disorders. (Chapter)
A Handbook, Edited by Benjamin Wolman, published by Van Nostrand Reinhold 1976.
- LECKER, S., and BOYNTON, G., Psychological Effects of Abortion (Chapter)
Psychological Aspects of Obstetrics and Gynecology, published Medical Economics
Company ME Book Division, Editor Benjamin Wolman.
- BOYNTON, G. and LECKER, S., Psychological Aspects of Miscarriage and Stillbirth.
Psychological Aspects of Obstetrics and Gynecology. Published by Medical
Economics Company ME Book Division, Editor Benjamin Wolman.
- LECKER, S., The Natural Way to Stress Control, (Book), Grosset & Dunlap, 1978
- LECKER, S., The Money Personality, (Book) Simon and Schuster, March 1979
- LECKER, S., Who Are You (Book) Simon and Schuster, May, 1980
- LECKER, S., Family Ties (Book) Wyden Books, December, 1980

PAPERS

- 1964- Quebec Society of Criminology - "Criminal Acting-Out as Part of
a Depressive State". (Multiple co-authors - Junior author).
- 1965- Fifth International Criminological Congress - "The Role of
Guilt and Shame in the Genesis of Criminal Behavior."
- 1975- Paper, 31st International Congress on Alcoholism and Drug
Dependence, Bangkok, Thailand, February, 1975-"Family Factors,
Interpersonal Competence and Drug Addiction".
- 1975- Paper, National Drug Abuse Conference, New Orleans, Louisiana,
April, 1975: "Therapeutic Community: A Generation Later".
- 1976- Therapeutic Communities of America, Washington, D.C.
"Sexual Problems in the T.C."

GUEST LECTURES
GIVEN:

- 1960- Yale University, Department of Child Study Center - "The Development of Child-Centered Community Psychiatry Program."
- 1969- Allan Memorial Institute - "Community Psychiatry in a Middle Class Suburb."
- 1970- Allan Memorial Institute - "An Indigenous Clinic for Youth in Montreal."
- 1970- University of Sherbrooke Medical School - "An Indigenous Clinic for Youth in Montreal."
- 1971- University of Southern California, School of Medicine, "Changes in the Youth Culture, The Doctor's Role."
- 1971- New Haven County Medical Association, "A Clinical Pathological Conference on Quebec Medicine."
- 1971- Montreal Medical-Chirurgical Society, "Youth, Our Medical Pariahs."
- 1971- Litchfield County Medical Association, "Can and Should a Health Care Scheme Be Socially Efficient."
- 1972- University of Southern California and California Regional Medical Programs, Area V, "Where It's At."
- 1972- Middlesex County Medical Association, "Health Care Dilemmas and Physician Responsibility."
- 1974- Lecture at Good Samaritan Hospital, "Child Abuse and Family Problems."
- 1978- Technical Association of the Pulp and Paper Industry — "Stress in the Corporate Setting." (Chicago)
- 1978- University of California Santa Cruz- "Stress Control in Organizations." (Monterey)
- 1978- Autogenic Systems Seminar for Health Professionals — "Stress Control in Organization." (San Francisco)
- 1978- Foundation for Accounting Education — "Stresses of Corporate Life." (Cherry Hill)

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Industrial Psychiatry Group

-Editing:

- Editor, Ohio Valley Sociologist, 1958-63.
Editor, Newsletter, Ohio Council of Family Relations, 1960-64.
Editor, Special Issue, "On the Sociology of Religion," Sociological Focus, Volume 2, No. 1, 1968. (also Editor's Introduction, pp. 1-2).
Editor, Consultant on social problems concepts, Dictionary of Modern Sociology, Littlefield, Adams and Co., 1969, Thomas F. Hoult, ed.
Co-Editor, Special Issue, "Organizational and Group Responses to Community Disaster," American Behavioral Scientist, Volume 13, No. 3 (January-February), 1970.
Co-Editor, Special Issue, "Dynamics of Organizational Involvement and Change in Civil Disturbances," American Behavioral Scientist, Volume 16, No. 3 (January-February), 1973.
Associate Editor, Review of Religious Research, 1968-77.
Co-Editor, Disaster Research Center Series.
Reviewer for a number of journals ranging from Journal of Scientific Study of Religion to Science.
Editor, ASA Footnotes, 1977-

UNITED STATES OF AMERICA
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TESTIMONY

I. INTRODUCTION

Purpose of Testimony

My name is Sidney Lecker, M.D. I am a board certified practicing psychiatrist with my office at 320 East 65th Street, New York, New York. This testimony addresses Commission Questions 3 and 4 herein and relates to Board Contentions 3.2, 3.3, 3.7, 4.4, 4.5, and 4.7. The purpose of my testimony is to demonstrate:

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Personal and Professional Qualifications

A. General qualifications.

A copy of my resume is annexed hereto. While as my resume indicates, I have been involved in scholarship and practice in several areas of psychiatry, I am principally a child psychiatrist and have extensive experience in the area of human stress.

My experience spans a wide range, including teaching, public interest work, private practice, and consulting for corporations. I have devoted considerable time to public service work, both inside and outside of government. From 1972 to 1974, I was the State of New York's chief child psychiatrist and children's service administrator, holding the position of Assistant Commissioner for Children's Service, New York State Department of Mental Hygiene.

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As a general principle, people under stressful situations require and seek leadership. Particularly in the initial phases of a reaction to disaster, they become responsive to authority and idealize leadership. Studies also show that the presence of bystanders who define the situation as one in which people need help encourages pro-social behavior. The combination of strong leadership, a plan of action, and useful participation in creating a solution reduces individual stress. Experimental studies in the Tavistock Human Relations literature confirm that when groups are put under stress in circumstances in which no leadership or structure is provided, the group will quickly evolve a pattern of spontaneous leadership and followership in which the followers will receptively respond to the directions of those assuming the roles of leader, or to an established plan of action. Of course, the response is usually even more positive where there is an established leader to whom people can look to assume control.

- B. Children generally react to stressful situations by (a) looking to adults who show leadership; and/or (b) productive use of optimistic anticipation.

Children generally react better than adults to

stressful situations. This occurs for one or both of two reasons.

First, much as adults look to leaders in time of emergency, children look to adults. Children look to adults (who often are, but need not be, their parents) with absolute optimism and confidence that the adults are capable of implementing an effective response. Knowing that children are dependent upon them, adults are further encouraged to follow appropriate instructions and carry out their responsibilities.

Children also, unlike adults, productively use optimistic anticipation to deal with the stress of an emergency. Because of their inability to execute a solution themselves, children use their creative imagination to anticipate a pleasant solution to a crisis. Based upon my years of experience and research as a child psychiatrist and my Three Mile Island work, I have no doubt that these principles would apply in the event of a radiological emergency at Indian Point or elsewhere.

Again, such reactions would occur regardless of the nature of the emergency, since they are responses to stress - not to the particular type of emergency.

Studies of stress conditions during non-radiological evacuations have demonstrated that responses to stress during

evacuations are generally consistent with the principles set forth in this section.

III. HUMAN RESPONSE TO RADIOLOGICAL EMERGENCIES

Human response to radiological emergencies does not differ materially from response to non-radiological emergencies. My conclusion is based not only on my testimony above, but on my work and research in connection with Three Mile Island and other radiological matters.

I strongly disagree with each of the contentions in this proceeding which suggest that human response to radiological emergencies is somehow distinguishable. Such contentions are unsupported by psychological theory or empirical evidence. The contentions appear to contain three principal attacks on the assumptions underlying radiological emergency planning: (1) that emergency workers cannot be depended upon to perform their tasks; (2) that the public will panic and not follow emergency instructions; and (3) that radiological hazards can be distinguished because of their "invisible" character. None of these arguments, however, has any merit.

Emergency Workers Can be Expected To Perform Their Tasks

Emergency personnel and others with defined roles

1 CROSS EXAMINATION BY MS. POSNER.

2 Q. Doctors Dynes and Lecker, my names is
3 Pat Posner.

4 Dr. Dynes, are you familiar with the
5 documents that have been admitted before this
6 tribunal that are known as the Radiological
7 Emergency Response Plans for New York State and
8 Westchester County, Rockland County, Orange County,
9 and Putnam County?

10 A. (Witness Dynes) I have had brief
11 encounter with them, yes.

12 Q. I would like to turn your attention
13 to page 4 of your testimony, where you give an
14 outline of the principals of emergency planning.
15 At the top of page 4 you have some items that a
16 planner should pay attention to. The planner must
17 pay attention to the actual problems.

18 From your briefings on the
19 Radiological Emergency Response Plans that were
20 submitted for Indian Point, what did your
21 evaluation show the actual problems that the
22 planners dealt with?

23 A. (Witness Dynes) Well, we are
24 pulling -- the point that I made in my testimony
25 was that sometimes planners get sidetracked on

1 false problems, and that that was the intent of
2 the particular statement. A number of times in
3 emergency planning people get sidetracked in terms
4 of what are irrelevant and false problems, rather
5 than real problems.

6 Q. What were the actual problems that
7 were taken into consideration in the Indian Point
8 Radiological Emergency Response Plans?

9 A. (Witness Dynes) Well, certainly one
10 part of that would be an evacuation plan.

11 Q. And what were the actual problems in
12 the evacuation plan that were dealt with?

13 A. (Witness Dynes) Well, if I understand
14 you, the general problem is evacuation.

15 Q. And what was the possible solution?

16 A. (Witness Dynes) To essentially adopt
17 a plan which facilitates evacuation.

18 Q. And to what extent and how were the
19 problems conveyed to those likely to become
20 involved in implementing the plan?

21 A. (Witness Dynes) Well, in general, I
22 suppose there is a certain amount of information
23 provided to the public about the nature of
24 evacuation.

25 On the other hand, I think that there

1 are different levels of planning and information
2 necessary. A lot -- the major problem of
3 information is essentially at organizational level,
4 not necessarily public level.

5 It may be at later points there might
6 be a particular necessity for greater public
7 information.

8 Q. Later than what?

9 A. (Witness Dynes) Closer to the event
10 that you are talking about.

11 Q. During an actual emergency, then, you
12 would consider that the information that is
13 distributed to the public at the time of the
14 emergency would be adequate to implement an
15 emergency response?

16 A. (Witness Dynes) That one part of it,
17 yes, the public part of it.

18 Q. For an evacuation?

19 A. (Witness Dynes) Yes.

20 Q. Have you reviewed the educational
21 materials that have been distributed to the public
22 so far?

23 A. (Witness Dynes) As I recall, I did
24 see a pamphlet and brochure which was put out.

25 Q. Did you see any of the emergency

1 broadcast messages that were prepared for the
2 March 9 drill?

3 A. (Witness Dynes) Not that I can recall
4 at this particular point.

5 Q. How, in your opinion, will people
6 make an informed judgment about the radiological
7 emergency at Indian Point?

8 A. (Witness Dynes) Through information
9 which is given at that time as to what the
10 situation is, and what are the consequences, and
11 what are their alternatives for behavior.

12 Q. On page 5 of your testimony you
13 mention the fact that planning is oriented to
14 prevention sometimes, but other planning is
15 oriented to altering or modifying what will happen?

16 A. (Witness Dynes) That's right.

17 Q. What is it that we are talking about
18 when we are talking about altering or modifying
19 what will happen in a radiological emergency?

20 A. (Witness Dynes) Well, for example, to
21 essentially minimize the danger.

22 Q. And what is the danger?

23 A. (Witness Dynes) Well, essentially
24 there might be a danger, a threat to the person or
25 property at that time. That's why you build

1 evacuation plans.

2 Q. Why would we have to have an
3 evacuation plan to protect the person's property?

4 MR. PIKUS: I am going to object,
5 judge, to this question. I think it goes beyond
6 the scope of the witness's testimony.

7 JUDGE GLEASON: She can go beyond the
8 scope in cross examining.

9 Go ahead and ask the question.

10 Q. The question is what is the danger
11 and what is it that we will be modifying in the
12 event of a radiological emergency?

13 A. (Witness Dynes) Well, essentially you
14 are altering the possibilities for effect.

15 Q. And what could the effect be?

16 A. In the case of essentially an off
17 site release there could be dangers to the person.
18 That's why we have a plan.

19 Q. When you say that the plan reduces
20 the uncertainty of emergencies, how does the
21 Radiological Emergency Response Plan for Indian
22 Point, in fact, reduce the uncertainty of the
23 emergency?

24 A. (Witness Dynes) Because you have a
25 structure of how to deal with the problems when

1 they occur.

2 Q. I would like to ask you if you are
3 familiar with a document called Health Related
4 Behavioral Impact from Three Mile Island Nuclear
5 Incident, part 2, report submitted to the TMI and
6 Department of Health, prepared by Peter S. Kautz,
7 PhD, principal investigator?

8 A. (Witness Dynes) I am not sure I can
9 recall that specific article, but I am, in general,
10 familiar with a lot of that literature that has
11 come out of that.

12 Q. Well, would it be fair to say that
13 one of the features of a radiological emergency is
14 the fact that the danger cannot be perceived by
15 the direct senses of the individuals involved, the
16 people at risk?

17 A. (Witness Dynes) Well, that's somewhat
18 of a characteristic of that.

19 There are other agents that are very
20 similar. For example, most bacteriological ones,
21 that same characteristic applies to it. In fact,
22 most threats in the world we don't perceive
23 directly, we perceive them through monitoring
24 crises.

25 Q. But it is a feature of a radiological

1 emergency that people cannot detect radiation?

2 A. (Witness Dynes) Unless you have
3 dosimeters, and most people don't have that. But
4 you have resources in the community.

5 Q. And it's a fact that the person will
6 not know when he has effectively removed himself
7 or herself from the danger, absent a monitoring
8 device?

9 A. (Witness Dynes) Well, that's true in
10 other agents, also.

11 Q. But it is true of a radiological
12 emergency?

13 A. (Witness Dynes) Yes, and true of other
14 agents, also.

15 Q. So to the extent that people do not
16 have dosimeters or monitoring devices on their
17 persons, the planning will not reduce the
18 uncertainty of the radiological emergency?

19 A. (Witness Dynes) Yes, certainly. You
20 can simply ask the people who have the monitoring
21 device.

22 I don't have a weather forecasting
23 system at home. I depend on those who have it.

24 Q. So you feel it would be adequate for
25 a person who doesn't have a dosimeter to ask

1 somebody who does?

2 A. (Witness Dynes) Certainly. We depend
3 on information from other people.

4 Q. Further on on page 5 you talk about
5 the difference between planning for a worst
6 possible case and planning for a likely scenario.

7 What is your opinion of government
8 efforts to plan for a nuclear war or a nuclear
9 attack on the United States?

10 A. (Witness Dynes) I am not sure of the
11 connection between the two parts, but in terms of --
12 in terms of my opinion over a number of years, I
13 think that that illustrates the case of what I was
14 trying to point out.

15 Someone builds a scenario and then
16 tries to plan on the basis of that. And I think
17 that people are much better off, or nations are
18 much better off, communities are much better off,
19 by trying to plan essentially for a realistic
20 scenario, or one that is somewhat approachable,
21 and base it on that, rather than what might happen
22 in a particular instance that would have such low
23 probability, you know, that it would happen once
24 every two or three thousand years.

25 Q. Do you support the government's

1 efforts to develop a crisis relocation plan for
2 possible attack on American cities?

3 A. (Witness Dynes) I think that in the
4 case of the possibility of nuclear attack, again,
5 evacuation makes some sense, yes. They call it
6 crisis relocation.

7 Q. So you do think it's sensible to plan
8 for the eventuality of a nuclear attack to the
9 United States?

10 A. (Witness Dynes) I think it's sensible
11 to plan for all possible emergencies, including
12 wartime situations.

13 Q. But you would expect that there would
14 be a casualty rate of, for example, more than
15 fifty thousand if the United States were attacked?

16 A. (Witness Dynes) Depending upon your
17 scenario, probably yes.

18 Q. So it does make sense in certain
19 contexts to plan for a situation which might have
20 casualties of up to fifty thousand?

21 A. (Witness Dynes) Well, you have
22 shifted levels on me. I was talking in this
23 context on a community context. Now you have
24 shifted to a national level, which is a little bit
25 different. I am not sure you want to pursue that.

1 Q. I am talking about that it is
2 sometimes sensible to base a plan or a scenario
3 that could include fifty thousand casualties, or
4 certainly more than a hundred casualties, whether
5 it's a national planning effort or a local
6 planning effort.

7 A. (Witness Dynes) Well, I am not really
8 sure. If you look at the history of the United
9 States, there have been only one or two events in
10 which you have had up to five thousand casualties.

11 It's conceivable, again depending on
12 the scenario that you have in your mind, that
13 there would be ones that will be much different
14 than that.

15 It seems to me that my point here is
16 that one can be very creative with possible
17 scenarios, but that creativity in thinking out the
18 various possibilities of what could happen
19 probably is a drain on resources in thinking about
20 practical emergency planning.

21 It is much better to deal with
22 essentially much more realistic situations as the
23 base, and if the events that you have in your
24 imagination do occur, then you can build on that
25 at the time.

1 Q. So that if a disaster occurs at
2 Indian Point which does project casualties of more
3 than fifty thousand, or up to fifty thousand, we
4 could effectively deal on that on an ad hoc basis,
5 based on the outline of plans that we have so far?

6 A. (Witness Dynes) I am not sure where
7 you got that scenario.

8 Q. Well, we have had testimony before
9 this board from various experts.

10 A. (Witness Dynes) And what do you mean
11 by casualties?

12 Q. I mean deaths, early deaths within
13 one year, and delayed cancers.

14 A. (Witness Dynes) Well, I am not sure
15 any of the scenarios that I have seen go along
16 with this line.

17 Essentially, if I can add, one of the
18 reasons for emergency planning is to try to reduce
19 the consequences along that line.

20 Q. On page 7 of your testimony you talk
21 about the fact that people in emergencies behave
22 in an active goal-oriented manner.

23 Would you agree that in the face of a
24 radiological emergency at Indian Point the most
25 effective goal-oriented area would be to try to

1 remove oneself from the area of danger as quickly
2 as possible?

3 A. (Witness Dynes) Well, that would
4 depend on the circumstances. One alternative would
5 be shelter, and there are others.

6 We are talking about an off site
7 release, I assume.

8 Q. Yes. We are always talking about an
9 off site release.

10 MR. BRANDENBURG: Mr. Chairman, I
11 would like to interrupt. Might I inquire whether
12 this line of questioning is addressed to the panel
13 on one particular witness or another? I am unclear
14 the way the questions have been formulated.

15 MS. POSNER: Well, I have been mainly
16 addressing them to this witness. Thank you.

17 Q. The basic thrust of your testimony is
18 that people will react the same way in a
19 radiological emergency as they do in other types
20 of man-made and natural disasters. Is that correct?

21 A. (Witness Dynes) Yes. Essentially the
22 best bet in terms of predicting behavior in
23 emergencies is in terms of past behavior, and in
24 terms of past behavior in other types of emergency
25 situations the people are essentially the same.

1 The agent may be different.

2 Q. But would you agree that, though in
3 some respects all emergencies are all like, that
4 in some respects any given emergency resembles
5 other emergencies, and in some respects every
6 emergency is unique?

7 A. (Witness Dynes) Yes.

8 MR. PIKUS: I am going to object to
9 the form of question. If the witness understands
10 it, he is free to answer it.

11 JUDGE GLEASON: Do you understand

12 THE WITNESS: (Witness Dynes)

13 Well, I think so. There are certain unique
14 features of any emergency. Certainly that's true.
15 Timing, and other things.

16 On the other hand, I think the
17 important things are the similarities. That allows
18 you to provide a better basis for generalization.

19 Q. Well, given the fact that you agree
20 that all emergencies are unique to some degree, do
21 you think that it is prudent to ignore the
22 evidences of differences between radiological
23 emergencies and other types of emergencies?

24 A. (Witness Dynes) I don't know what you
25 mean by prudent.

1 Q. I mean in terms of emergency planning.

2 A. (Witness Dynes) There are certain
3 different characteristics of the agent from other
4 types of things, depending on what we are talking
5 about. You can do that with any type of agent. In
6 other words, tornadoes and hurricanes.

7 If a response to a particular agent,
8 a possible response, is evacuation, for example,
9 or sheltering, then essentially the planning is
10 basically the same.

11 Q. Would you agree that these are some
12 evidences of the differences of people's reactions
13 to the accident at Three Mile Island and to other
14 types of emergencies, for example those that are
15 listed on your testimony on page 8, the shadow
16 evacuation, the fact that only women and preschool
17 children within a five mile area were, in fact,
18 ordered by the authorities or advised by the
19 authorities to leave, and, in fact, fifty times
20 that many people left within a twenty mile area
21 surrounding the plant? Would that be different
22 from other experience with the suggestion to
23 evacuate?

24 A. (Witness Dynes) No, not really. I
25 think the term shadow evacuation doesn't have an

1 awful lot of meaning. It's simply a term that
2 someone coined which has a rather dramatic name to
3 it.

4 But let me try to describe what
5 happened.

6 In TMI, in that particular situation,
7 there was obviously a good deal of ambiguity about
8 the nature of the accident and the off site
9 consequences.

10 And if you look at the data over that
11 particular period of time you would see that from
12 the beginning of the accident there were certain
13 people who left the area, who evacuated.

14 The notion somehow of evacuation, as
15 it's used in the notion of shadow evacuation,
16 implies that everybody stands still, and at some
17 particular time, when they get a message from some
18 authority figure, then everybody leaves.

19 Essentially the pattern of evacuation
20 in all types of emergency is that the official
21 message is one message that is used in people
22 making decisions. People will be leaving before,
23 and some people will be leaving after that
24 particular message. The TMI experience was no
25 different than you would find in a wide variety of

1 others.

2 Q. You have studies that you have done
3 or that you are familiar with that indicate that
4 in other types of emergencies when a certain
5 sector or segment of the population is advised to
6 leave the area, that other people, to a much
7 greater distance, do so spontaneously?

8 A. (Witness Dynes) Would you restate the
9 question?

10 Q. The question is is it your experience,
11 or understanding, or testimony, is it your
12 testimony, that in other accidents, and I would
13 appreciate it if you could name such accidents,
14 disasters, that when a certain segment of the
15 population has been advised to leave, say the
16 population within two miles of a chemical plant
17 has been advised had to leave, that a far greater
18 percentage of the people up to a far greater
19 distance has spontaneously left the area?

20 A. (Witness Dynes) Well, I don't know
21 what you mean by spontaneously.

22 Q. Without being advised to do so.
23 Without being advised of the necessity to do so.

24 A. (Witness Dynes) People -- I don't
25 have essentially a sheeplike version of people.

1 People are making decisions about the nature of
2 their threat. Official advisories are an important
3 part of that, but they may make decisions to leave
4 at an earlier stage because they perceive the
5 danger, or they may feel this is the right time to
6 get out, at that particular point.

7 So what I am suggesting, if you look
8 at an evacuation pattern you will see that it's
9 not a foot race in which everybody essentially
10 leaves at a particular time. It's a gradual
11 process that tends to peak around the time where
12 you have official notification of such.

13 Q. So that postulates an accident or
14 situation in which a lengthy amount of time is
15 available for people to be making this decision,
16 and leaving, over a period of time.

17 A. (Witness Dynes) Yes. In that sense
18 that many things would -- in other words, there
19 would be a perception of essentially increasing
20 danger, if the illustration that you started with
21 was TMI, in which that was true.

22 Q. Shifting the focus now to Mr. Lecker,
23 Dr. Lecker, the burden of your testimony is that
24 people respond to the stress of the emergency and
25 not to the cause of the emergency, and that people

1 become more reliant on authority and more willing
2 to listen to the advice of authorities during an
3 emergency. Is that correct?

4 A. (Witness Lecker) That's some of my
5 testimony, yes.

6 Q. Are you aware of the information that
7 has been developed in the last few years about the
8 erosion of authority and the resistance to
9 authority, for example that public scepticism with
10 all level of government has increased in the last
11 twenty years?

12 A. (Witness Lecker) I am aware of that,
13 but I wonder if that relates to the context of an
14 emergency, or is that a general sort of
15 nonemergency status that you are referring to?

16 Just to amplify, or to make a more
17 positive statement, regardless of the level of
18 scepticism, in an emergency people tend to react
19 with a fairly stereotyped set of responses, that
20 is the thrust of my testimony, regardless of their
21 pre-existing scepticism about authority or a plan
22 or anything else.

23 Q. So it would be your testimony, then,
24 that public opinion polls and data indicating that
25 the public scepticism about authority at all

1 levels of government has decreased in the last
2 twenty years will not affect the way they behave
3 during a radiological emergency at Indian Point?

4 A. (Witness Lecker) That's correct. And
5 just to go on a little on that, of the
6 characteristic patterns I was referring to with
7 groups under stress, there are national tendencies
8 for both adults and children to tend to put
9 greater trust in authority under situations of
10 stress, especially when authority provides
11 alternatives for reducing danger.

12 If the information coming from
13 authority or authoritative sources provides
14 information for reducing danger, the evidence,
15 from all I have read, is that authority will then
16 be respected even more highly.

17 Q. So it is your testimony that the
18 experience of Watergate and the recent
19 Environmental Protection Agency scandal, and Love
20 Canal, and the bomb testing cases in Nevada, that
21 all these things, where the people feel that they
22 have been lied to by the government, will have no
23 effect on the way people will respond in a
24 radiological emergency?

25 A. (Witness Lecker) I think your

1 examples notwithstanding, or including those
2 examples, I can give you more. People are
3 sceptical of their doctors. They drive big fancy
4 cars and charge too much, but when you are sick
5 you take their advice.

6 Human nature is that in the context
7 of a specific emergency, where authority can be
8 looked to as probably the only source of direction
9 for reducing the danger, people will tend to trust
10 that authority regardless of their preexisting
11 level of scepticism.

12 Q. So if the authorities were to tell
13 people in the ten mile zone around Indian Point to
14 stay put, and go inside and shut the doors and
15 windows, people would be likely to do that?

16 A. (Witness Lecker) Yes, I believe so.

17 Q. And if people in the ten mile zone
18 were told to leave, and everybody else was told to
19 stay put, that those directions would be followed?

20 A. (Witness Lecker) I believe so, yes.

21 Q. Is it true that during these periods
22 the behavior of people tends to regress?

23 A. (Witness Lecker) In specific ways.
24 The word regression is a rather sweeping term. If
25 you would be more specific in terms of what type

1 of regression you are refering to, I would like to
2 respond to that.

3 Q. Is it your testimony that in periods
4 of stress people will regress to become more
5 dependent on authority?

6 A. (Witness Lecker) Yes, that's correct.

7 Q. Is it possible that people will
8 regress to become less rational?

9 A. (Witness Lecker) Only under extreme
10 circumstances where there is no structure, for
11 example no plan, and authority, itself, appears to
12 be confused and have no particular rational
13 alternative to offer to reduce the danger. In that
14 case there might be panic. That's the only
15 situation in which there might be panic.

16 I would say further to that, that's
17 one of the major benefits of having an available
18 plan, with or without defects, that the plan
19 provides a structure, which reduces anxiety.

20 It also invests a certain degree of
21 authority in the leadership the people could then
22 turn to and trust.

23 Q. The pattern that you have developed
24 here of regression to dependence on authority,
25 would you say that that pattern is universal?

1 A. (Witness Lecker) From everything I
2 have read, studies of Vanis, Redleck, Asterham,
3 Reash, Glenn, Farber, and other experts, indicate
4 that in an emergency, laboratory situations, any
5 studies that I have read, that that is, in fact,
6 the pattern. Under stress people tend to regress
7 to a situation of being more compliant to
8 leadership.

9 Q. Is it your testimony that that would
10 be true for every single person involved?

11 A. (Witness Lecker) You can never say
12 something that is true for every single person.
13 There are always exceptions. I would say the vast
14 majority would respond in that manner.

15 Q. Is it possible that even one out of a
16 thousand behaving differently to the way you
17 predict could cause hitches, or mess up an
18 evacuation plan?

19 A. (Witness Lecker) I am not an expert
20 in terms of, you know, giving you some kind of
21 numerical probability on if one in a thousand
22 acted differently could they mess up the plan.

23 There is no evidence that I have ever
24 read that says that, and every emergency that I
25 have ever read in all the literature, so I can't

1 respond to that except to refer you to the
2 literature, which says that even if people act
3 differently, the majority acting in the direction
4 that is orderly tends to lead to orderly.

5 It's your suggestion that one out of
6 a thousand people might act differently, and I am
7 saying I have to include that possibility.

8 It's my testimony to the opposite,
9 that people would react in a fairly stereotyped
10 manner under stress.

11 Q. Do you think it would be prudent for
12 the planners and the people living in the ten mile
13 zone, people living within fifty miles of Indian
14 Point, to have some kind of numerical
15 determination of how many people might react as
16 you predict?

17 A. (Witness Lecker) I think they have that
18 data, based on every other emergency that has ever
19 been studied, from wartime to peacetime, man-made
20 and natural disasters. They have the data that
21 never, that I know of, in the history of recorded
22 science has there been other than an orderly
23 helpful response. When courage is put on trial
24 that never comes up wanting.

25 Q. People are heroes. Is that it?

1 A. (Witness Lecker) Under stress they tend
2 to be more so.

3 Q. We don't have any information based
4 on surveys or polls of the area that we are
5 talking about right here around Indian Point to
6 suggest what people would do in case of an
7 emergency at Indian Point, do we?

8 A. (Witness Lecker) I don't know of any
9 studies done in this specific area.

10 Q. So the crucial question is what will
11 be the effect of people not acting as you predict?

12 A. (Witness Lecker) Well, you are asking
13 a question, and if you want to eliminate all the
14 previous data that every other disaster has ever
15 yielded, then we are, indeed, in a state of
16 confusion.

17 But I don't think we are. If we look
18 to every other study of every other disaster, I
19 think we can be assured that the existence of an
20 evacuation plan will improve things.

21 The absence of an evacuation plan
22 will still lead to orderly behavior. That
23 certainly was the case in Mississauga, at TMI.
24 Plans only make people believe in authority and
25 respond to them more effectively.

1 Q. On page 6 of your testimony you
2 testified that contentions which suggest that
3 human response to radiological emergencies are
4 somehow distinguishable are unsupported by
5 psychological theory or empirical evidence?

6 A. (Witness Lecker) Yes, that's correct.

7 Q. Wouldn't it be more correct to say
8 that you don't agree with other theories, or that
9 you are unfamiliar with other theories, than to
10 say there is no support?

11 A. (Witness Lecker) No. I would say that
12 even those witnesses that the intervenors have
13 presented here, for example Kye Ericson, I read
14 his book, Everything in Its Path, and
15 notwithstanding the testimony that there are
16 differences between the radiological and
17 nonradiological emergencies, if you read his book,
18 the study of Buffalo Creek, he makes a very strong
19 point of saying that natural disasters should be
20 used as laboratories of all disasters because of
21 the similarities, including nuclear disasters or
22 radiological disasters. He makes it crystal clear
23 that similarity is the important thing in
24 disasters, not the difference.

25 Q. On page 7 you talk about the behavior

1 of traditional emergency workers.

2 Could you tell me what specific
3 studies this information is based on?

4 A. (Witness Lecker) Well, there are quite
5 a number of studies I have in my brief case I can
6 refer to.

7 You are talking about studies where
8 traditional emergency workers responded
9 effectively?

10 Q. Yes.

11 A. (Witness Lecker) I don't know of any
12 study where they didn't. As I said, I can pull out
13 a whole list of references. But I have never read
14 one study that said policemen, firemen, or any
15 other traditional emergency workers deserted their
16 responsibilities.

17 Q. Have you been involved in any
18 behavioral studies on the Three Mile Island?

19 A. No.

20 Q. Are you familiar with an article by
21 Dr. Christopher Maxwell that indicates hospital
22 staff left their posts during the accident?

23 A. I have not read that study, but I am
24 familiar with some of the hospital staff since we
25 have run an office at Three Mile Island for three

1 years, and we are not familiar with anything of
2 that nature.

3 In fact, a letter sent to me by the
4 superintendant of schools says that not one single
5 teacher deserted her post, and the dismissal of
6 children was completely orderly.

7 JUDGE GLEASON: Ms. Posner, may I ask
8 a question?

9 MS. POSNER: Yes.

10 JUDGE GLEASON: Dr. Lecker, would you
11 tell us specifically what your relationship was in
12 analyzing the Three Mile Island situation

13 THE WITNESS: (Witness Lecker) I
14 was called in right after the accident to assess
15 the plant workers' levels of stress.

16 JUDGE GLEASON: Called in by whom?

17 THE WITNESS: (Witness Lecker) At
18 that point by Metropolitan Edison, which was one
19 of the operating companies. And myself and several
20 of my colleagues established a crisis sort of
21 stress workshop for employees, kind of a twelve
22 hour a day seven day a week clinic which ran for
23 employees. It ran in a location just about across
24 the road from the plant, and it continued -- it
25 offered help to employees or their families.

1 We also did a survey of employee
2 stress factors that -- what they found stressful,
3 or how they perceived the danger.

4 I might just say or offer to you that
5 approximately forty percent of them said that they
6 had severe anxiety related to the possible loss of
7 their job, and only about four or five percent of
8 them said they were anxious about the radiation
9 danger. These were employees working on the site,
10 in all confusion, with all the ambiguity that was
11 purportedly going on.

12 So we had a very small percentage of
13 people who were concerned about the radiation
14 danger, and all of them still went to work. There
15 were no desertions.

16 In fact, our greatest problem was
17 employees coming back on duty without being asked
18 to, volunteering to go in and help, and feeling
19 rejected when they were told they weren't needed.
20 That's the feeling we find in many mass disasters.
21 Doctors and nurses report to hospitals.

22 In any case, that was our initial
23 exposure to Three Mile Island, and from that time
24 on we have operated an office in Middletown for
25 mental health purposes for the staff of Three Mile

1 Island, for the staff, for their families, et
2 cetera.

3 In addition, we provide psychological
4 screening services for all employees who will work
5 in protected areas of the plant, so no one can, --
6 in fact this is fairly general in the whole
7 industry -- nobody can come onto a site in any
8 secure area unless they have been cleared as
9 sociologically fit to withstand the stress, or
10 they are not carrying along with them burdens of
11 stress or emotional problems.

12 That's the nature of our services.

13 JUDGE GLEASON: There has been
14 testimony in this proceeding that tends to
15 indicate that one of the difficulties that people
16 have is the difficulty of dealing with the unknown,
17 particularly in terms of radiation.

18 If your experience was concentrated
19 on on site workers, you are not dealing with those
20 that don't know, you are dealing with those that
21 know, and therefore it becomes a question as to
22 how relevant are your comments with respect to
23 those who are not on site workers, and who are
24 outside.

25 THE WITNESS: (Witness Lecker)

1 Well, I would just add to that that a large
2 percentage of the workers that we deal with don't
3 know any more than the general public. The
4 information available at that time to workers
5 wasn't any better than the information available
6 to anyone else.

7 I was there, we spoke to the workers,
8 they found out by rumor, just like anybody else,
9 what was going on. The actual information
10 available at all levels was pretty poor, and
11 certainly there wasn't any kind of ideal
12 communication from the top down.

13 I have also been involved in other
14 nuclear power plants, for example Diablo Canyon,
15 studying the response of community and employees,
16 and find the same kind of thing.

17 Pacific Gas and Electric employees,
18 who are perhaps not control room operators, at all
19 other levels, and district people, like linemen
20 and so on, know not a heck of a lot more than the
21 average public about the operations of the plant,
22 or the dangers, or whatever else. So there is an
23 unknown factor even with employees.

24 JUDGE GLEASON: It is your testimony,
25 then, that the extent of their knowledge, or lack

1 of knowledge, is comparable to somebody on the
2 outside?

3 THE WITNESS: (Witness Lecker) I
4 would say with the exceptions of highly technical
5 people. Radiation detection people would know more,
6 control room operators would know more. But there
7 are large numbers of clerical employees,
8 maintenance employees, trade men, who know very
9 little other than how to put two pipes together.

10 JUDGE SHON: Dr. Lecker, I hesitate
11 to prolong this, but it occurs to me that there is
12 another, perhaps more subtle, dichotomy among
13 people, and that is this:

14 There are people who accept radiation,
15 and nuclear radiation, I mean, not necessarily
16 solar radiation, but nuclear radiation, who accept
17 it as simply another hazard which one can deal
18 with with the proper equipment.

19 There are, on the other hand,
20 apparently a large number of people, I don't know
21 what fraction of the population they constitute,
22 who view this hazard as something so horrifyingly
23 and subtly different from anything else, that they
24 can't conceive of anyone getting near such stuff.

25 Generally speaking it is the first

1 group of people who work in nuclear emergency
2 plants, because if you belong to the second group
3 you wouldn't be there.

4 But most of the questions I have
5 heard the intervenors ask, and most of the
6 suggestions they make, are postulated on the idea
7 that the second group, the group that believes
8 that radiation is, as I think William O. Douglas
9 said, the most awesome force ever released upon
10 mankind, if that group of people is, as the
11 intervenors think, a substantial majority among
12 the population, you don't find them working in
13 nuclear power plants, so your example is not
14 relevant.

15 But there is a scene that operates to
16 say most of those people are outside the fence.
17 Here they are confronted by this thing that they
18 most fear. Is it possible that there is a
19 substantial body of thought?

20 THE WITNESS: (Witness Lecker) I
21 can respond to that, yes.

22 Certainly people probably would be
23 concerned if they knew, it is a fact, that the
24 radiation released from a fossil fuel plant in the
25 immediate vicinity is higher than it is from a

1 nuclear plant --

2 JUDGE SHON: Not in an accident.

3 THE WITNESS: (Witness Lecker) No.

4 I am talking about this unknown factor, or the
5 fact that they get a substantial dose of radiation
6 when they take a transcontinental flight and go
7 into the stratosphere.

8 There have been studies, and one was
9 quoted, in fact, by Dr. Ericson, the Slovic
10 Lichtenstein study, that said the women in the
11 study were afraid of nuclear power more than any
12 other. Yet, the same group, apparently, wasn't
13 afraid of a radium insertion, say, for the
14 treatment of cancer. So the issue was not are they
15 afraid of radiation. They are not afraid of x-rays.

16 I don't think the issue is whether
17 they are afraid of the radiation as such. I think
18 it is whether they have some feeling of trust in
19 the authority that's handling the radiation. And I
20 think that an evacuation plan improves that level
21 of trust.

22 You trust your doctor, you trust your
23 dentist, so you will let him take an x-ray of your
24 jaw. You trust your gynecologist, you might let
25 him insert radium into your uterus. This is wide

1 spread. Anytime people are included in a process
2 through information, through an outreach by
3 authority, they begin to trust authority more. I
4 think this process, this hearing, proves that
5 trust.

6 JUDGE SHON: So what you are saying,
7 in effect, is that there is a substantial portion
8 of the population that suffers this extreme fear,
9 the presence of the plan will decrease the size of
10 the portion?

11 THE WITNESS: (Witness Lecker)
12 That's well known. The existence of a plan which
13 gives structure and meaning to a danger also
14 reduces anxiety. This has been shown in study
15 after study.

16 I am also saying that the process of
17 including the population, and this is known from
18 the studies we have done in the 60s and 70s in
19 working with disaffected youth, and
20 disenfranchised minorities, to the extent any
21 group is involved in a process, that group begins
22 to trust authority more and more. This is why Dr.
23 Dynes's testimony makes so much sense to me.

24 JUDGE GLEASON: Do you have such
25 studies that show this reduction effect in terms

1 of emergency planning to nuclear facilities?

2 THE WITNESS: (Witness Lecker) For
3 nuclear facilities I do not have any. I think that
4 we are too young in this field to really have such
5 data available yet. I think it's a fruitful area
6 to proceed.

7 JUDGE GLEASON: All right, Ms.
8 Posner. Thank you.

9 Q. On page 9 and 10 of your testimony
10 you talk about absence of panic and isolation of
11 affect. How, in that context, do you define panic?

12 A. (Witness Lecker) Would you be more
13 specific in your question, perhaps?

14 If I talk about absence of panic I am
15 not talking about any kind of panic. That's why I
16 am not sure what you are really asking me.

17 Q. Well, are you talking there about
18 behavior of aimless running around screaming, and
19 that there is none of that?

20 A. (Witness Lecker) I am talking about
21 the absence of panic. No panic. I am talking about
22 people responding in an orderly way. And the
23 isolation of affect is an acknowledged
24 psychological mechanism that people invoke.

25 And what that means, perhaps, we are

1 all familiar, perhaps, driving by an accident at
2 the roadside, and seeing some injured people, and
3 the relatives who are not injured. The relatives
4 don't appear to be panicked. They appear to be
5 emotionless for a time. Only when the full extent
6 of the injuries are known does the emotion surface.

7 It is well known that in any kind of
8 emergency it's as if we are given an opportunity
9 to deal with the stress or emotional reaction on
10 the installment plan. We don't have the full dose
11 of anxiety at the time of the emergency. This
12 provides for us to react positively,
13 constructively, and only later on do we bear the
14 full emotional load, perhaps several days or weeks
15 later.

16 Q. Is it your testimony that people do
17 not feel emotion in a crisis situation?

18 A. (Witness Lecker) Not so at all. I am
19 saying there is a period of time in which a
20 psychological mechanism acts to reduce the
21 expression of emotion. That can go from the
22 extreme of not feeling it for a short period of
23 time, to feeling it, but not feeling it to the
24 full extent.

25 Somebody, say, seeing a relative

1 that there was a shortage of personnel, because
2 there was, in a sense, no real stress on that
3 particular hospital, other than psychological. In
4 terms of patient load they actually reduced their
5 personnel.

6 I understand from other sources, and
7 again I can only add this to the physicians'
8 observation, that there were some, essentially
9 personnel who, well, who had maintenance work,
10 emptied bedpans, and this type of thing, who did
11 not show up, and this irritated particularly some
12 of the professional help.

13 But in terms of any type of shortage
14 which suggests generally a decline in the medical
15 capability of that hospital, I don't think that's
16 true.

17 In other words, the general pattern
18 in most emergencies in a hospital situation is
19 that you have personnel who are certainly willing
20 to work longer hours. If you are on a shift type
21 of context many people will wait at home.

22 It could be, in the case of Maxwell's
23 observation along this line, that certain shifts
24 had been told to wait at home but he simply was
25 not aware of that because he is not part of the

1 killed in a car accident doesn't necessarily start
2 crying right away. They may later on. They may
3 grieve for a month. But the full reaction of the
4 emotional response doesn't occur immediately.

5 Q. So is it your testimony that this
6 isolation of affect is universal --

7 A. Lecker it's universal, and has been
8 universally described. Yes.

9 Q. Is it a characteristic response of a
10 person who is clinically diagnosed as hysterical?

11 A. (Witness Lecker) No. It's a response --
12 it may be a part of that diagnostic category, but,
13 as is the case with any diagnostic category, there
14 are elements of any psychiatric condition that are
15 part of the norm.

16 For example, if you take depression,
17 which is a clinical entity, we all feel depressed
18 from time to time. That is not clinical. That is a
19 normal response to loss.

20 Isolation of affect is a normal
21 psychological defense mechanism that in hysterical
22 characters tends to take place with greater
23 frequency than the norm.

24 Q. Is it a characteristic response of
25 people who are manic depressive?

1 A. (Witness Lecker) Not that I know of.

2 Q. Isn't it true that it is the
3 characteristic response of obsessive compulsive
4 people?

5 A. (Witness Lecker) That's true. Again
6 with the stipulation that I mentioned before.

7 What you are doing is saying these
8 are clinical conditions in which this
9 psychological defense mechanism, which operates
10 universally, in these cases this is exaggerated
11 and becomes nonfunctional.

12 Q. Do you have any information about
13 whether the percentage of people in the area
14 affected by Indian Point are more inclined to be
15 hysterical or manic depressive and obsessive
16 compulsive?

17 A. (Witness Lecker) I am sure you would
18 find on any survey that the people in Westchester
19 County, and I am a resident of Orange County and
20 formerly a resident of Rockland County, that the
21 cross section is probably the same way as anywhere
22 else, except in my neighborhood in Manhattan,
23 where it is probably more extreme.

24 Q. Would you agree that reaction to
25 stress is curvilinear?

1 A. (Witness Lecker) Could you bring that
2 into lay terms? I don't understand that.

3 Q. I am referring to your testimony on
4 page ten. "Once an emergency sequence begins the
5 human mind and body mobilize, and an entirely new
6 attitude emerges."

7 In other words, a little emergency is
8 good for you?

9 A. (Witness Lecker) I don't recall
10 saying a little emergency is good for you.

11 Q. No. I said in other words, that the
12 reaction increases, or becomes more optimal at
13 first, and goes up to a maximum level of stress,
14 and then, after a certain maximum level, the curve
15 begins to turn downward again, and the reaction
16 causes more disruption in the behavior?

17 A. (Witness Lecker) Well, if you are
18 referring to the general adaptation response
19 described by Selvi, and many, many, others that
20 followed him, that is the general pattern.

21 The initial response under stress is
22 an increase of what they call a resistance, and a
23 mobilization of both biochemical and psychological
24 level as an adaptive response.

25 And that adaptive response, I might

1 add, can be sustained for quite a long time. We
2 know people who go through very long illnesses, or
3 wartime situations, or very stressful situations
4 at their work, and they maintain a long level of
5 adaptive response.

6 And, in fact, as you have described,
7 there is a period of time in which that response
8 begins to wane. We describe that in various ways.
9 The fashionable term now is burn out.

10 Q. So that you would agree that there is
11 an optimal point above which added stress produces
12 less adequate behavior?

13 A. (Witness Lecker) There is a point
14 where that happens. That's correct.

15 Q. On page 10, the second full paragraph,
16 where you talk about the fact that you assign
17 little credence to predictions that bus drivers
18 will not show up, or people will ignore the plan,
19 even when such predictions are made by the
20 individuals themselves, what evidence do you have
21 that people will respond differently from what
22 they say they will respond?

23 A. (Witness Lecker) Well, probably the
24 most universal evidence that I can offer you is
25 that a hundred percent of married people have

1 promised to love, honor, and obey, and fifty
2 percent of them get divorced.

3 It's a well known defect in
4 sociological work that attitude surveys show what
5 your attitude is, but they don't show what your
6 possible behavior is.

7 Your future behavior is best
8 predicted by your past behavior, and every study I
9 have read, including the study at Three Mile
10 Island, and Dr. Ericson's study on Long Island,
11 they don't tap at all what did people did in their
12 last emergency. They simply ask, "What are you
13 afraid of," or, "What might you do?"

14 If these studies were broadened to
15 include what did you actually do when you passed
16 that car accident, or when the building was
17 burning, you would get a much better predictor of
18 what that person might do the next time.

19 Q. Are you aware of any such studies, or
20 have you ever participated in a study that asked
21 people before and after emergencies what they
22 would do and then what they had done?

23 A. (Witness Lecker) I would defer to Dr.
24 Dynes on this.

25 A. (Witness Dynes) We, in terms of a

1 research problem that I was involved in, we looked
2 specifically at emergency workers, police, fire,
3 hospitals, a whole series of things. And I suspect
4 over seventeen years we collected seven thousand
5 interviews with emergency workers. These are all
6 done after the event. People described their
7 behavior.

8 We never found anyone who left their
9 post in an emergency situation, not one instance.

10 Q. Isn't it true that in nonemergency
11 situations that the best way to find out what
12 people will do is to ask them, and that, in fact,
13 businesses spend millions of dollars every year to
14 predict the behavior of people based on their
15 attitude?

16 A. (Witness Lecker) No. I disagree
17 completely.

18 As part of the consulting work that I
19 do I do exactly this for businesses. We
20 psychologically screen people, not only for the
21 nuclear industry, but also many other types of
22 jobs.

23 The most reliable information, that
24 we give about three times the weight that we give
25 to their attitude, is what have you done?

1 If somebody says, "I promise to work
2 here, and work here reliably," we ask, "How long
3 did you work at your last job?"

4 The most important thing is past
5 behavior. There is why you have an appended resume.
6 What have we actually done, not what I intend to
7 do.

8 JUDGE GLEASON: Ms. Posner, may I ask
9 a question?

10 MS. POSNER: Yes.

11 JUDGE GLEASON: Dr. Dynes, when you
12 responded to the second to last question about
13 testing emergency responses, once again we are
14 dealing with people that are trained to deal with
15 emergencies.

16 In trying to develop a question
17 similar to the question asked Dr. Lecker before,
18 what about testing the emergency responses of
19 people who are not so trained? Are there any
20 studies of that nature dealing with what they
21 actually did in actual emergencies as a measure of
22 what they will do?

23 THE WITNESS: (Witness Dynes) I
24 meant to imply that in my answer. I think the
25 illustration of the groups that I included

1 probably gave the impression, when I said police
2 and fire. I am talking about a range of emergency
3 roles, including civil defense, and including
4 volunteers.

5 I think the difference is, a lot of
6 time the notion that people will not do things,
7 they don't have any role in the emergency. And
8 through planning, one of the important parts of
9 the planning effort is essentially to assign roles
10 in the plan so that people have obligations to do
11 things.

12 So we looked, at least over the
13 research experience, a long time at a variety of
14 situations where there was clear emergency
15 responsibility, and essentially that was the basis
16 of the generalization.

17 And I think obviously you get a
18 greater probable conformance among traditional
19 emergency organizations like the police and fire.

20 But if people have other roles, even
21 though they don't play them full time, and know
22 what they are to do in these situations, you find
23 a very high conformance.

24 JUDGE GLEASON: Well, still, once
25 again we are dealing in terms of people who are

1 assigned a role.

2 What about people who have a role to
3 play, but that role is kind of loosely assigned?

4 In other words, in an evacuation
5 everybody has a role to play. They have to move
6 out. And some of this testimony has indicated they
7 are not going to do that. If their children are
8 supposed to be bussed out of schools they are
9 going to go to the school and get their child
10 first, which obviously would throw an emergency
11 plan into chaos.

12 Other people are going to not go the
13 evacuation routes, they are going to look for
14 their own routes, and things like that.

15 Have there been tests that attempted
16 to show what the general public does in actual
17 emergencies as an indication of what they will do?

18 THE WITNESS: (Witness Dynes)
19 Well, usually, by and large, individuals -- you
20 don't have to plan everything for everybody down
21 there. In other words, I think one of the problems
22 that I have experienced, and many people think of
23 people as problems in emergencies, I don't think
24 of them as problems, I think of them as resources.
25 And essentially they are the resources that you

1 have to depend upon. They are also essentially
2 capable of making certain decisions themselves as
3 to how to leave, how to do particular things. I
4 don't think you have to plan everything out.

5 So I think that the major thing would
6 be to provide individuals with notions of what are
7 the potential effects for them, what are ways to
8 avoid those particular effects, what are ways to
9 take protective action.

10 In an evacuation plan, why, that's
11 essentially an attempt to plan certain types of
12 options for people. In the implementation of an
13 emergency plan I wouldn't be overly concerned as
14 to whether one or two people, or some people, took
15 an alternative route, just as long as they got out.

16 JUDGE GLEASON: What if you had forty
17 percent of them?

18 THE WITNESS: (Witness Dynes) They
19 could adapt to that if they understand the reasons
20 for the route.

21 JUDGE GLEASON: Who could adapt?

22 THE WITNESS: (Witness Dynes) The
23 people that are evacuating. They are getting
24 constant information. They get constant
25 information to the consequences of that. This is

1 something that goes on all the time in terms of
2 traffic in and out of major cities.

3 THE WITNESS: (Witness Lecker) Can
4 I offer?

5 JUDGE GLEASON: Sure.

6 THE WITNESS: (Witness Lecker)
7 There is a body of research work called bystander
8 behavior. I think this refers to the people you
9 are talking about, people without any roll, and
10 how would they react in an emergency.

11 And the overwhelming weight of this
12 research into bystander behavior shows that, given
13 certain circumstances, the bystander, or the
14 average population, will respond very
15 constructively.

16 Number one, the person has to accept
17 or agree that there is, indeed, an emergency. So
18 say a siren blew in the case of a nuclear power
19 plant accident, and there was a warning on the
20 radio. We would accept that the bystander would
21 accept that there is, indeed, an emergency.

22 The second condition is that this
23 individual feels that his or her contribution to
24 the solution is important, it's valued, it will
25 make a difference.

1 And given those two major
2 circumstances, the person will respond
3 constructively.

4 Now, I would imagine, given the
5 scenario that we have never really seen yet, of a
6 major off site spill of radiation, that these two
7 circumstances would exist, that the person in the
8 existence of a plan that says your response to
9 this plan is important, it will make a difference
10 to our safety, and, in fact, a bona fide warning
11 that says this is a real emergency, that the body
12 of literature to bystander behavior says that
13 these people will respond constructively.

14 JUDGE PARIS: Dr. Lecker, it seems to
15 me that you are assigning bystander behavior to
16 people to evacuees. Isn't there a difference? A
17 bystander normally is not involved in the in this
18 situation as a victim. The bystander normally
19 assists the victim.

20 I have seen bystander behavior, and I
21 have been a bystander to accidents where
22 bystanders were behaving rationally and assisting,
23 where I thought the victims were panicked.

24 Isn't there a difference in
25 evacuations?

1 THE WITNESS: (Witness Lecker)

2 Well, I guess the word "bystander" may be a
3 misnomer. The research, though, I think stand us
4 in good stead.

5 In a nuclear or any other major
6 disaster, we still use that term, bystander, be it
7 wartime, tornado, flood.

8 Nobody is truly a bystander. We are
9 all subjected to possible danger. However, the
10 discrimination between bystander and victim simply
11 means the person, say in the case of a tornado, is
12 the one who is hit by a tree, as opposed to the
13 one who hasn't yet been affected.

14 I think in the scenario here nobody
15 would, in fact, be a victim as such. The effect of
16 radiation, even if someone were affected, wouldn't
17 be visible immediately. So everybody would be
18 reacting, in my mind, as if they were a bystander.
19 And bystander research shows, a bystander,
20 somebody involved in the circumstances, not yet
21 perceiving himself to be affected, that person
22 will react effectively

23 JUDGE PARIS: So you are saying the
24 bystanders would exhibit bystander reaction.

25 THE WITNESS: (Witness Lecker)

1 Sure.

2 JUDGE GLEASON: We would like to take
3 a ten minute recess.

4 (There was a short recess.)

5 JUDGE GLEASON: Can we proceed,
6 please?

7 Ms. Potterfield, are you going to
8 have cross examination of these gentlemen?

9 MS. POTTERFIELD: Not unless there is
10 additional time, Judge Gleason.

11 JUDGE GLEASON: All right. Let's
12 proceed, please.

13 CROSS EXAMINATOIN CONTINUES

14 BY MS. POSNER:

15 Q. Dr. Lecker, on page 11 of the
16 testimony there is a sentence, "The fact that the
17 threat is imperceptible should reduce fear, rather
18 than enhance it."

19 Could you tell me on what basis you
20 wrote that sentence?

21 A. (Witness Lecker) Let me refer you to
22 Dr. Ericson's book describing his experiences at
23 Buffalo Creek, in which he talks about the long
24 lasting effects of the disaster at Buffalo Creek
25 was because of the fact that people couldn't get

1 out of their minds the picture of the boiling
2 rampage of water, the sea of mud that engulfed
3 their houses and property and human beings.

4 And it's really true of so many
5 disasters that what makes an indelible imprint on
6 the mind of the victim is the actual fact that you
7 can see the damage, and that the anxiety, the
8 memories that come back, the memory traces that
9 stir up anxiety, are because you have this
10 indelible visual imprint, if you like, of the
11 disaster.

12 It's hard for me to imagine that a
13 disaster, so-called, where the dangerous agent is
14 not seen, could create such kind of memory traces.

15 Now, another intervenor witnesses in
16 his pre-trial testimony, Dr. Lifton, talked about
17 Hiroshima, and I think erroneously said that the
18 radiation, being invisible, was most traumatic.

19 Hiroshima was far from invisible. The
20 entire city was leveled, and people were burned,
21 and torn apart. It is my contention that the
22 actual visible aspect of that disaster, not the
23 invisible aspect of the radiation, is what caused
24 so many of the psychological consequences.

25 Q. So this is your theory that the

1 visible aspects are more horrifying?

2 A. (Witness Lecker) It's not my theory.
3 It's my review of the literature. The interviews
4 done with the victims, in which the victims report
5 that a major part of the post traumatic neuroses
6 was the visual memories of those disasters. It's
7 hardly my theory.

8 Q. How would you reconcile that review,
9 or theory, with the results found by Mr. Kautz,
10 the investigator at TMI, when he found that one
11 year after the accident thirteen percent more
12 people were upset a year later than were upset
13 during the accident?

14 A. (Witness Lecker) Well, if you want to
15 talk about the studies done by Dr. Kautz, perhaps
16 I should comment on some of the defects of his
17 methods and his conclusions.

18 MR. PIKUS: Judge, I hate to
19 interrupt my witness. If Dr. Lecker is going to be
20 testifying about Dr. Kautz's study, I would ask
21 that Ms. Posner show a copy to the witness, if she
22 has it.

23 JUDGE GLEASON: He seems to be very
24 familiar with it.

25 THE WITNESS: (Witness Lecker) Can I

1 make comments?

2 Q. In other words, you reconcile
3 your theory with his findings on the basis that
4 his methodology was inadequate?

5 A. (Witness Lecker) Well, I think his
6 methodology was inadequate, and his conclusions
7 were erroneous.

8 His method was telephone interviews,
9 which has hardly proven to be a worthwhile method.
10 In fact, Dr. Glazer and others that studied
11 Buffalo Creek stated that interviews were
12 essential.

13 The only people he did interviews
14 with were patients of the Hershey Medical Center,
15 which is hardly a representative group.

16 In terms of the defects of his
17 conclusions, one is, I think, that he embraces all
18 in one category, makes no distinction between
19 people who suffered illness or people who
20 complained of illness or stress.

21 Stress is a big word. I have stress
22 sitting here now, but I am not ill. But I have all
23 the symptoms of stress, rapid heartbeat, cold
24 hands. Stress and illness are not synonymous.

25 In terms of the specific statistic

1 that you mentioned, there is no way that his study
2 shows that this is an increase in incidence, as
3 opposed to, for example, simply an increase in
4 disclosure.

5 I will give you a simple analogy.
6 When you go to a cocktail party, and somebody
7 begins to talk about their psychiatrist, what was
8 previously a taboo subject, suddenly everybody is
9 talking about their psychiatrist, and their
10 particular medications, and there anxiety. And
11 suddenly there is a high incidence in the room of
12 describing illness, when before the person
13 mentioned it there was no incidence.

14 Now, when a survey is done, and
15 another survey is done, and it's repeated time
16 after time, and it becomes commonplace to talk
17 about the stress I felt after Three Mile Island,
18 there is an inclination to talk about stress. This
19 is not increased incidence, it is increased
20 disclosure.

21 JUDGE PARIS: Dr. Lecker, in this
22 room cold hands do not necessarily indicate stress.

23 Q. Are you familiar with the studies by
24 Slovic, Bischoff and Lichtenstein?

25 A. Yes, I am.

1 Q. They show that after testing various
2 public, that an accident in a nuclear power plant
3 is considered more dangerous than any hazard
4 except nuclear war and terrorism.

5 A. (Witness Lecker) Yes. And that same
6 study showed that the subjects were not nearly as
7 afraid of other forms of radiation. And I think
8 that that's an important point. It's not the issue
9 of radiation from a possible nuclear accident.
10 It's the context. Do they trust the people, do
11 they feel that they are involved, do they have an
12 evacuation plan, do they have information?

13 When your doctor says I am going to
14 give you radiation in the form of an x-ray, nobody
15 panics. That's because you trust him, he has a
16 track record with you, and so on.

17 It was my earlier contention that the
18 very existence of a plan which involves people in
19 the process of being involved, and helping solve
20 the possibility of an accident, would decrease the
21 anxiety.

22 The study you referred to simply took
23 a group of women and asked them about their fears.
24 These were not women who had been involved in the
25 planning process around a nuclear power plant.

1 These women probably never saw an an evacuation
2 plan, nor could they have been involved in such a
3 plan.

4 Q. Is it your understanding that most of
5 the women around Indian Point have been involved
6 in an evacuation plan for Indian Point?

7 A. I think they are involved to the
8 extent that he have information. And as the
9 planning process proceeds they will be more and
10 more involved. And the publicity surrounding these
11 hearings, and everything else surrounding the plan,
12 will continually involve these people to the point
13 where their reassurance will increase.

14 Q. Is it your understanding that the
15 people who have the most understanding about the
16 plan are the most reassured?

17 A. (Witness Lecker) I have no
18 information on that.

19 Q. You certainly don't.

20 On the last page of your testimony
21 you talk about a fire fighter entering a blazing
22 building in danger of imminent collapse. Do you
23 have any information of how many fire fighters in
24 the ten mile EPZ have, in fact, entered a blazing
25 building in imminent danger of collapse?

1 A. (Witness Lecker) I couldn't give you
2 that statistic.

3 Q. Is it your understanding that all the
4 emergency workers in the area have dosimeters?

5 A. (Witness Lecker) I don't have
6 information on that

7 MS. POSNER: That's all. Thank you.

8 JUDGE GLEASON: Any redirect?

9 MR. PIKUS: I have some redirect,
10 judge. I am just wondering if any interested
11 parties or the staff have any more cross first.

12 JUDGE GLEASON: Well, I don't think
13 so.

14 REDIRECT EXAMINATION

15 BY MR. PIKUS:

16 Q. Dr. Lecker, the panel was asked a
17 question very early on by Ms. Posner concerning
18 the public's inability to be able to detect
19 radiation and the effect that might have on the
20 response to the emergency. I believe the question
21 was directed more to Dr. Dynes at the time, so you
22 didn't have an opportunity to respond.

23 Do you have anything you might wish
24 to add to Dr. Dynes's comment?

25 A. (Witness Lecker) In terms of how

1 would they respond in the absence of their ability
2 to detect radiation?

3 Q. That's correct.

4 A. (Witness Lecker) I think that it's
5 fairly typical of all emergencies that people
6 begin responding on warning, not on the detection
7 of the actual agent, if you like.

8 If we hear a hurricane warning in
9 Florida, or a flood warning, the hurricane isn't
10 there, or the flood hasn't begun, but we begin to
11 respond to the emergency based on the warning.

12 And that's typical of all emergencies.
13 So I think that people will respond to the
14 information, not necessarily the visibility, if
15 you like, of the agent.

16 Q. Dr. Lecker, similarly a question was
17 directed to Dr. Dynes as to whether the
18 characteristics of the agent make a difference in
19 terms of how the emergency response might occur.

20 Do you have anything additional that
21 you would like to add to Dr. Dynes's response?

22 A. (Witness Lecker) No. Just to confirm
23 what he said. The literature suggests, and all
24 evidences from natural and man-made disasters show,
25 that people's responses are fairly characteristic,

1 regardless of the nature of the agent. The
2 sequence of the responses, the stages of those
3 responses, are fairly typical of people, of human
4 nature, not necessarily of the nature of the
5 emergency. It holds for wartime, it holds for
6 flood, hurricanes, et cetera.

7 Q. Gentlemen,, Ms. Posner asked you some
8 questions about a large number of people who
9 allegedly left the Three Mile Island area despite
10 the fact that they were not among the group that
11 was advised to depart.

12 First I would ask whether there was
13 an order, to your knowledge, issued at Three Mile
14 Island directing people not to leave?

15 A. (Witness Lecker) To my knowledge,
16 there was no such directive. In other words,
17 people were not told that they must stay, and so
18 they were given the freedom, if you like, to act
19 on their own discretion, and if they chose to
20 leave, they left. That doesn't surprise me.

21 The literature on evacuations shows
22 that in any emergency there may be people who
23 leave on their own discretion, there may be people
24 who leave on order, there's evacuation by default.
25 It doesn't surprise me that more people left in

1 the absence of an order directing them to stay.

2 JUDGE GLEASON: Excuse me just a
3 minute. There was not an order directing them to
4 stay, but was there an order saying, a suggestion
5 saying, they could leave or stay? Can you respond
6 to that

7 THE WITNESS: (Witness Dynes) Sure.
8 There was what was couched as an advisory
9 suggesting that it would be appropriate for
10 children under 5 and pregnant women to leave the
11 area. It was couched as an advisory at that
12 particular time.

13 I think that one other important
14 point about TMI, one has to remember the context
15 in which this occurred. That advisory, to my
16 recollection, occurred on a Friday afternoon. It
17 was broadcast at that particular time.

18 Earlier there had been the indication
19 that schools would not be open on Monday, and
20 Friday afternoon, in fact, if you knew the school
21 was not going to be open on Monday, the fact that
22 at least for many people Saturday is not a workday,
23 a number of people took the opportunity to spend
24 the weekend elsewhere. In other words, it was the
25 first good weekend of the spring, and many people

1 left.

2 Now, one can essentially -- when one
3 looks back on it, these people are counted as
4 evacuees. A lot of them simply went to Ocean City
5 or went to visit relatives because they were
6 released from certain obligations.

7 So the point I am making here, there
8 were a number of indications. The advisory was the
9 only official thing, so that coming up to a
10 weekend a number of people simply left for the
11 weekend, and now looking back on it these people
12 get counted as evacuees.

13 JUDGE GLEASON: Was there any post
14 weekend interviews done sampling those people that
15 left as to whether they were just vacationing or
16 left in light of the concern about the safety of
17 the plant?

18 THE WITNESS: (Witness Dynes) I am
19 trying to think. I think the best study was
20 probably done with Mount and West, and I think
21 there was some indication -- the problem is
22 untangling some of these things.

23 In other words, there's another
24 category of what some people call evacuation by
25 invitation. In other words, a relative might call

1 and say, "Hey, something is going on. Why don't
2 you come for the weekend?"

3 So it's a mixed motive. A number of
4 factors went into it. They felt well, it might be
5 safer to leave at that time, plus the fact they
6 hadn't seen the relatives. So all of these things
7 enter in.

8 JUDGE GLEASON: But was that assessed?

9 THE WITNESS: (Witness Dynes)

10 There were studies which looked, I think which
11 retrospectively asked the people for the reason
12 for their evacuation, or for leaving at that
13 particular point. And most of them reflect
14 multiple motives. They say, "Well, I got out."

15 Q. Do you gentlemen believe that there
16 would be a difference in the public's response
17 between a situation in which certain people were
18 advised to leave, but that people were not ordered
19 to stay, and a situation in which people were
20 actually ordered to stay?

21 A. (Witness Lecker) Oh, I think there
22 would be a significant difference. Again going to
23 the studies that have been done about people's
24 behavior in emergencies, if an authority announces
25 that your best chance of survival is to stay in

1 the house, close the windows, go into the basement,
2 or do anything else, and again if the literature
3 says you accept the fact that this is a real
4 emergency, then at that point you will be more
5 inclined, or very highly inclined, to accept that
6 recommendation.

7 People's behavior under emergency,
8 and what we talked about earlier, the regression
9 and the compliance with authority, in large part
10 depends upon the fact that authority is issuing
11 clear directives saying that this is the best
12 chance to reducing the danger.

13 To my knowledge there was never
14 anything like that said. Nobody said, "Stay home,
15 don't go visit Aunt Minnie in Philadelphia."

16 Q. Dr. Dynes, was there a detailed
17 evacuation plan for the area around Three Mile
18 Island at the time of that accident?

19 A. (Witness Dynes) No. Planning was
20 sporadic and erratic at that time.

21 Q. Dr. Lecker, I believe the Board asked
22 you some questions about what brought you to TMI,
23 and I believe you testified in response to that
24 question that it was primarily an invitation from
25 the utility to come in and do some work in

1 connection with the plant workers.

2 Have there been situations in which
3 you have done work at other nuclear plant sites
4 that was not so limited?

5 A. (Witness Lecker) Yes. One, in
6 particular, in which we were invited to advise
7 Pacific Gas and Electric Company on a number of
8 factors having to do with their own employees, and
9 the public's attitude toward the start up of the
10 Diablo Canyon plant.

11 In that situation we did some fairly
12 formal interviews and surveys of employees, and
13 other individuals who were not employees, and then
14 we did some other work in the communities, and
15 formulated opinions and recommendations to
16 transmit to management of the Pacific Gas and
17 Electric.

18 Q. Have you done any work in the area of
19 community planning outside of the radiological
20 area?

21 A. (Witness Lecker) Oh, by all means.
22 Both inside and outside of government, most
23 notable being that I was a founding member of a
24 program called the Portage Program, which is a
25 drug dependency program in Canada, the largest one

1 in Canada. I and a few other people started that
2 program in my living room, and extended to involve
3 the entire community of the City of Montreal, and
4 now I believe it's a nationwide program.

5 I have also done community planning
6 as Assistant Commissioner for Children's Services
7 for the State of New York, in which I brought
8 community and government forces together in
9 support of children's services, and at one point
10 in support of solving the problems that existed at
11 Willowbrook Home for the retarded.

12 Q. Dr. Dynes, my final question is
13 directed to you.

14 Ms. Posner asked a question about a
15 study done by I believe it was Dr. Kautz at Three
16 Mile Island, and I believe there was another study
17 done by somebody named Maxwell at Three Mile
18 Island, and those questions were directed
19 principally to Dr. Lecker.

20 I am wondering if you have any
21 familiarity with either or both of those studies,
22 and whether you wish to comment.

23 A. (Witness Dynes) I could comment on
24 the study by Maxwell if I recall it correctly. It
25 was used in the context here of an observation

1 that there may have been some people who -- a
2 personnel shortage at the hospital. I believe he
3 was writing from Hershey.

4 This was a very complicated issue,
5 and it was simply an observation, and I am not
6 sure what data it was based on, but one of the
7 problems with that type of observation is that one
8 doesn't know where it comes from, but it gets
9 quoted in a number of places.

10 Let me give you some reasons to
11 suggest that that might be a wrong observation.

12 Generally I found in my research, my
13 own research, in looking at a number of people in
14 emergency situations, that particularly when you
15 study hospitals, with due deference to Dr. Lecker
16 here, physicians are not very good informants
17 about what goes on in a hospital.

18 In order to understand staffing, in
19 order to understand a variety of other things, you
20 have to talk to nurses, you have to talk to
21 essentially members of the organization, because
22 in any organization people perceive different
23 things at different levels.

24 It is a little puzzling, that
25 particular study, along that line which suggested

1 personnel office.

2 But I think if you look at the
3 pattern of behavior in a wide variety of
4 situations where you have -- the general problem
5 really is too many people in that case, because
6 you have people that you don't need, and who are
7 there, and sometimes they get in the way of the
8 others. So the hospital had no load at that
9 particular point, so it's difficult for me to
10 understand. On any daily basis, I would suspect
11 there are certain people who don't report to the
12 hospital.

13 A. (Witness Lecker) I can add to that
14 that following Three Mile, at the behest of
15 Metropolitan Edison, my group was prepared to
16 offer additional resources to the two mental
17 health groups that serve the area, and I called
18 the director of both institutions and said, "Are
19 you experiencing increase in patient load, or more
20 severity? We can help you staff up quickly."

21 And there were no takers. For two
22 weeks there was no request for any additional help
23 that Metropolitan Edison would have been willing
24 to fund in psychiatrists or psychologists or other
25 mental health workers.

1 So there didn't appear to be any run
2 on the facilities, any need for increased staff,
3 or any shortage of staff, if you like, by
4 inference. People who needed to be there were
5 there.

6 JUDGE PARIS: You say in two weeks
7 there was no request. What happened after two
8 weeks, did you leave?

9 THE WITNESS: (Witness Lecker) Yes.
10 Our stay there in that formal sense was over, and
11 we remain as consultants.

12 MR. PIKUS: Your Honor, I thought
13 that was my last question, but Dr. Dynes's
14 response has prompted an additional question.

15 Q. Dr. Dynes, you referred to a problem
16 of emergency workers showing up even though they
17 are not requested. There has been some testimony
18 in this proceeding concerned with the possibility
19 that the phone lines might be tied up, and police
20 chiefs might not be able to get hold of their
21 patrolman at home, and fire chiefs might have
22 problems, and there might be similar problems with
23 emergency workers.

24 Do you believe that these kinds of
25 people would be among those groups that you have

1 referred to in your experience who would show up
2 on the job even though they were not requested to
3 do so?

4 A. (Witness Dynes) I think I understand
5 the context of your question.

6 In other words, at least one pattern,
7 as far as emergency workers is concerned, might be,
8 for example, if they are home, and the emergency
9 would occur, would be to contact people to see
10 whether they are needed. They simply may wait
11 until they are notified if, within the planning,
12 one would essentially have a notification to "stay
13 at home until we contact you."

14 In some instances where communication
15 might be confused, they may show up and say, "Do
16 you need me?"

17 So all of those things can work, and
18 it's probably a more effective plan for people to
19 stay, if you will, stay put until they know they
20 are needed within a specific type of tasks along
21 that lines.

22 The fact that people don't
23 immediately run to work doesn't mean they are not
24 willing to help.

25 MR. PIKUS: I have no questions. I

1 believe Mr. Brandenburg has some.

2 MR. BRANDENBURG: I have two
3 questions.

4 REDIRECT EXAMINATION

5 BY MR. BRANDENBURG:

6 Q. Both of you, on cross examination you
7 were asked a number of questions about the value
8 of attitude surveys that had been conducted on
9 Long Island and elsewhere for predicting the
10 response in the event of radiological emergency.
11 My question is based on your review of the
12 literature and your knowledge of emergency
13 response behavior.

14 Of what value are such attitude
15 surveys to predict the at behavior of the public
16 in an actual radiological emergency?

17 A. (Witness Dynes) Well, I think
18 attitude studies are valuable in studying
19 attitudes. They are not too useful in essentially
20 studying complex behaviors that might be required
21 two or three years hence.

22 The other thing is that many
23 attitudes, many questionnaires are constructed by
24 people who have had very little experience in
25 emergencies, and therefore they tend to structure

1 questions which simplify the situation that they
2 think they are getting at.

3 In other words, if you ask a simple
4 question you will get a simple answer. But that's
5 not necessarily a prediction of behavior.

6 If I can use an example, if you have
7 a questionnaire and ask people if they enjoy
8 playing polo or fox hunting, and they say no,
9 often you can conclude that they have no leisure.
10 You need to ask more questions on that in a
11 variety of situations.

12 So many of the questions are
13 formulated in simplistic fashion, which almost
14 move you toward particular answers.

15 If you ask, for example, "If you are
16 really forced with a choice between family and
17 something else, which would you choose?"

18 It's obvious which you would choose
19 along that line. But that has very little
20 relationship to a situation at sometime later in
21 terms of how you would behave. So I think in terms --
22 the best clue for behavior in emergencies is
23 looking at behavior in emergencies, and that's
24 what I am trying to do.

25 A. (Witness Lecker) Just to amplify that,

1 track record is certainly the best predictor. But
2 also if you look at the studies of bystander
3 behavior, studies by Clark, Shotler, Bickline,
4 just three authors I can site, what those studies
5 show is that an essential ingredient of a person's
6 constructive response is that the person felt this
7 was an authentic emergency, and my help is truly
8 needed.

9 The person has to really believe in
10 the authenticity of the situation. An attitude
11 survey is not very authentic. What might you do if
12 this and if that.

13 Have you ever read an attitude survey?
14 They are so hypothetical, the person's response
15 pattern would be in no way similar to what they
16 would be like in a true authentic emergency.

17 If we study persons who have been in
18 emergencies, and say, "Why did you jump in the
19 river and save that man?"

20 He says, "Well, I had to. I was the
21 only one there, and I saw him drowning."

22 Authenticity is the -- they don't
23 have an aura of reality.

24 JUDGE GLEASON: Why do they conduct
25 such surveys?

1 THE WITNESS: (Witness Lecker) I
2 am not a sociologist, and I don't believe in them,
3 frankly.

4 JUDGE GLEASON: Do you have a comment
5 on that.

6 THE WITNESS: (Witness Dynes) Well,
7 I think surveys have some value, but I would agree
8 that they are not good predictors of behavior.

9 Sometimes they are predictors of
10 behavior that might occur tomorrow, that one has
11 thought about. If you have political polling, for
12 example, if you ask me the day before election who
13 I am going to vote for for president, I have been
14 thinking about that for a long time, there
15 probably would be a high correlation.

16 But if you ask me what I might do
17 five years from now in a particular situation,
18 without any other context, I wouldn't have a clue?

19 THE WITNESS: (Witness Lecker)
20 Critical difference, too, is that a political
21 situation is not a very different situation from
22 the norm. The attitude that you have today is more
23 predictive of tomorrow, because tomorrow won't be
24 very different from today.

25 If tomorrow there was a holocaust, or

1 something like that, and you were really convinced
2 that now life is changed, all bets are off, this
3 is not a normal situation, there really is an
4 emergency, that is so disconnected from today, and
5 the attitudes you have today, that you can't say
6 that today will then truly predict tomorrow.

7 THE WITNESS: (Witness Dynes) One
8 other thing that is important is that behavior, by
9 and large, is a situation in the sense that it's
10 in terms of the particular situation that you are
11 in.

12 I recall the old military standard
13 saying that everything depends on the situation
14 and the terrain. So it's hard to predict the
15 situation and the terrain from a simple question
16 five years before the event.

17 JUDGE GLEASON: Well, just so I can
18 get your comment on the record as a sociologist,
19 you are stating that attitude surveys that relate
20 to what people will do in the event of emergencies
21 are worthless?

22 THE WITNESS: (Witness Dynes) I
23 think they have a very limited value, yes.

24 JUDGE GLEASON: Thank you.

25 Q. My second and last question, Mr.

1 Chairman, relates to the line of questioning that
2 you received about the inadvisability of radiation
3 and the impact that would have on the anticipated
4 behavior in the event of a radiological emergency.

5 I would like to ask you the other
6 half of that situation, if you will, and that is
7 what effect you would expect the latency of the
8 effects, physiological effects, of radiation
9 exposure to have on behavioral response in the
10 event of an actual emergency at a nuclear power
11 plant?

12 A. (Witness Lecker) If I can respond,
13 again I don't think any effect. We are dealing
14 both in the last question and this one with trying
15 to merge two totally dissimilar states.

16 Can you predict somebody's attitude
17 from peacetime into wartime, and from nonemergency
18 into emergency? Will somebody behave differently
19 today because he anticipates five years from today
20 he will have a radiation effect? I don't think so.

21 Just to repeat Dr. Dynes's statement,
22 response and situation are different. I might
23 believe an attitude survey if it was done in the
24 context of an emergency.

25 Q. In the event of a forest fire, and

1 you see the flame, and you mentioned at Buffalo
2 Creek you said the wall of water, and the mud, et
3 cetera, et cetera. On cross examination you were
4 asked a number of questions about you can't see
5 the radiation. How is that going to affect people's
6 response.

7 My question relates to the latency
8 effects. If we assume that a population did
9 receive some exposure to radiation, but, as we
10 know, even under the acute radiation syndrome
11 those symptoms manifest themselves a week, two
12 weeks, later. However, the initial response to the
13 emergency is not one where you feel the symptoms
14 of the peril already.

15 What effect does the latency of the
16 physiological effects of the hazard have upon the
17 anticipated behaviour response of people in the
18 actual stages of the emergency?

19 A. (Witness Lecker) I don't think there
20 would be any difference at all as far as the
21 latent effect. I think people tend to defer those
22 things.

23 The same is true of smoking.

24 Cigarettes are bad for your health. Well, a
25 person still lights up a cigarette. People tend to,

1 especially because of the inadvisability of the
2 effect and the latency of the effect, that he
3 would not necessarily be affected in terms of
4 their behavior at that time.

5 MR. BRANDENBURG: That's all I have,
6 Mr. Chairman.

7 JUDGE PARIS: I have a few questions
8 for the witnesses, but first I want to take note
9 of a contribution that Dr. Dynes has made to this
10 proceeding at the bottom of page 5 and top of page
11 6 of his testimony.

12 Dr. Dynes, we have had a number of
13 people tell us that an accident could occur when
14 an evacuation was in progress that would impede
15 evacuation, but you are the first person to
16 suggest that the police chiefs might have a way of
17 getting out of this.

18 (Testimony continues on next page.

19 No context lost.)

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1 A. (Witness Dynes) I could add to that.

2 JUDGE PARIS: On a more serious vein,
3 on the top of page eight, you say, "Emergency
4 personnel generally perform the task and know that
5 there their fellow emergency workers will care for
6 their families."

7 Can you give us any examples of this
8 actually being observed?

9 MR. DYNES: Sure. One example that
10 -- what I was trying to point at, that very
11 often in an emergency organizations, there
12 develops a sort of a network of help among
13 families, among policemen, for example, that maybe
14 two families live in the area in which they share
15 certain help along that line.

16 So this is sort of an informal thing
17 that is developed or it may be that in emergencies,
18 I can recall, let's say, police departments where
19 you have a network and you might have a sudden
20 impact of -- I don't know -- an earthquake, and
21 say to the guy on the other side of the street,
22 you know, "Hey, when you go down my street, look
23 and see if my house is there and the family is
24 there."

25 So there's an informal network which

1 tends to reduce the effect.

2 JUDGE PARIS: Are these hypotheticals
3 or can you give us some specific examples?

4 MR. DYNES: Sure. I just gave you
5 two. Both of them occurred in the Alaskan
6 earthquake

7 JUDGE PARIS: I see. Okay?

8 MR. DYNES: There are other examples.
9 They just happen to come to mind.

10 JUDGE PARIS: Okay. At the bottom of
11 the same page, bottom of page eight, do you know
12 how large an area was evacuated in Mississauga?

13 MR. DYNES: In terms of square miles?

14 JUDGE PARIS: Yes. Or radius around
15 the event. What sort of -- first let me ask you
16 this: I'm unfamiliar with the Mississauga
17 accident. Was this a sizeable city?

18 MR. DYNES: Well, it's essentially a
19 suburban area of Toronto. It's a part of the
20 Toronto metropolitan area.

21 JUDGE PARIS: Fairly heavily
22 populated, densely populated?

23 MR. DYNES: Yes, in that whole area,
24 right. I wouldn't take a guess on Mississauga,
25 the size of it. I could probably get that for you

1 in terms of square miles.

2 JUDGE PARIS: Well, 220,000 people is
3 quite a sizeable number of people. So I guess it
4 was a fairly large area.

5 MR. DYNES: Yes.

6 JUDGE PARIS: Did the evacuation of
7 that many people require 24 hours or how did the
8 evacuation proceed?

9 MR. DYNES: In this case, it was --
10 it was a train derailment in which there were
11 certain toxic -- chlorine among things -- but not
12 the only one, and it was somewhat of a progressive
13 evacuation.

14 In other words, that they had to make
15 judgments -- there's the initial judgment of
16 getting the people out from near the derailment
17 itself, and then, as I recall, at a later point
18 when there was some possibility of a chlorine gas
19 release, they moved on out from that particular
20 area.

21 As I recall the evacuation, it was
22 essentially a somewhat increasing one at that
23 particular time. It occurred at night, too, by
24 the way.

25 JUDGE PARIS: I see. With regard to

1 the evacuation of over 1 million people from
2 London in 1939, September, 1939, can you give me
3 some details about the circumstances surrounding
4 that? How much warning did they have and how long
5 did it take to evacuate?

6 MR. DYNES: That was a period of time
7 of essentially the buzz bombing of London. At
8 that point, there was, at some particular point,
9 an instruction for essentially women and children
10 to evacuate the city, to go out into the country,
11 along that line.

12 So that this is a massive -- this
13 is a massive number. I don't -- the other thing,
14 perhaps -- I don't know whether it's relevant
15 here but I'll make it an observation.

16 Generally, they found later on that
17 many people came back because they were willing to
18 put up with the hazard of the buzz bomb by taking
19 other types of preventative action, in other words
20 they'd rather stay in town than go in the shelter,
21 go underground.

22 JUDGE PARIS: Was this a precipitous
23 evacuation or a gradual one?

24 MR. DYNES: In this case, it was a
25 gradual one, right.

1 JUDGE PARIS: I see. On page ten in
2 your conclusions, you say, "Empirical evidence
3 suggests the responses to radiological agents
4 follow similar patterns to those involving other
5 nonradiological agents."

6 I guess "empirical evidence" is
7 mainly the TMI experience; is that right?

8 MR. DYNES: Well, that would
9 certainly be a major thing. There are a few other
10 incidents which you would have to adapt.

11 For example, in, I think it was, 1963,
12 there was an explosion in San Antonio, which I
13 don't think really it approximated the mushroom
14 cloud at that particular time, and there wasn't
15 any radiation effect.

16 There are the examples Hiroshima and
17 Nagasaki, if you sort those out, but the point
18 here is that the evidence, I suppose, mostly from
19 TMI, the evidence that one has from TMI, it looks
20 very similar to other types of behavior, and in
21 certain ways, fortunately, we don't have too many
22 cases to make those judgments.

23 JUDGE PARIS: Okay. Dr. Lecker, I
24 have a few questions for you.

25 On page 4 you mentioned the Tavistock

1 Human Relations Literature, and I'm unfamiliar
2 with the Tavistock Human Relations Literature.
3 Can you tell me that is?

4 MR. LECKER: Well, these are a series
5 of workshops held over the years, some of the
6 major contributors, A. K. Rice and Miller,
7 Margaret Reosh, (phonetic) Fred Rutlich (phonetic)
8 and Boris Astrocan (phonetic) at Yale.

9 Basically, the study was how groups
10 respond under stress with or without structure,
11 and, if you like, what kind of structure will
12 spontaneously evolve if there is no structure.

13 I think that's the major contribution,
14 showing that when you take a group of individuals
15 and they can be professors of psychology and
16 sociology and so on and you give them no structure
17 and you give them a task to perform, that certain
18 anxieties arise and certain characteristic
19 patterns begin to evolve, leadership patterns,
20 scape-goating patterns.

21 The group begins to require that
22 certain structures such as time boundaries and
23 physical boundaries be respected and, in effect,
24 it seems to be an organic part of group behavior
25 that certain things will happen, whether it's in a

1 laboratory situation, in their studies or in
2 actual situation.

3 When we translate the lessons learned
4 in the Tavistock Human Relations Literature to
5 actual observations of, say, spontaneous
6 evacuations like the Mississauga or any other
7 major incidents, those behaviors keep on
8 replicating themselves, whether they are studying a
9 hospital or any other circumstance where a large
10 group response is involved.

11 These particular factors begin to
12 emerge. That leadership becomes very important.
13 People tend to invest more in leaders the more
14 stress that there is. Leaders who are not
15 respected in a normal situation are more respected
16 in a crisis situation that rules and structures
17 tend to decrease group anxiety and if there
18 aren't rules, people begin making rules and begin
19 organizing themselves.

20 That's basically what that literature
21 demonstrates.

22 JUDGE PARIS: I see. So these were
23 workshops that developed this information?

24 MR. LECKER: First as workshops.
25 Then the theory applied to certain circumstances

1 such as observations of hospitals and staff and
2 corporations and situations such as those.

3 JUDGE PARIS: I see. Okay. Thank
4 you.

5 On page seven in the bottom paragraph,
6 you refer to the fact that off-duty plant
7 personnel went back at TMI in order to help out.

8 Do you have any information about the
9 behavior of local police officers or other police
10 officers?

11 MR. LECKER: No. The only
12 information I have has to do with the school
13 teachers which I mentioned.

14 JUDGE PARIS: All right. Go ahead
15 and tell me about the school children. I was
16 unaware that there had been an evacuation of
17 school children.

18 MR. LECKER: No, there was an
19 evacuation. I spoke to the superintendent of
20 schoolings to see -- there was a dismissal, I
21 guess, it was on that Friday that Dr. Dynes
22 mentioned.

23 JUDGE PARIS: An early dismissal?

24 MR. LECKER: I believe so.

25 MR. PICKUS: The O'Rourke plan.

1 MR. LECKER: In any case, that was
2 some days after the accident. I really wanted to
3 know whether he was -- whether he experienced a
4 failure of teachers to report to work, for example,
5 right after the accident or any kind of
6 disorganization when finally they decided on this
7 early dismissal on Friday and found none of that,
8 that the teachers remained at their posts. They
9 reported to work. The dismissal went in a very
10 organized and orderly fashion, and I would imagine
11 that would be the case in any similar situation,
12 that being the worst that we can imagine because
13 there was no plan and there was a great deal of
14 ambiguity.

15 JUDGE PARIS: Dr. Dynes, can you
16 contribute any information about the early
17 dismissal at TMI?

18 MR. DYNES: No. It's my recollection
19 -- of the schools?

20 JUDGE PARIS: Yes.

21 MR. DYNES: It's my recollection that
22 around noon or 1:00 that day, there was some
23 discussion throughout Thursday about evacuation
24 and Friday morning about it, and I think there was
25 a decision to essentially close the schools early.

1 I think it might have been 1:00, something along
2 that line.

3 In addition, I think there was the
4 notion that at that particular point they weren't
5 sure that they were going to reopen on Monday, so
6 they closed early, and essentially, released the
7 kids with the promise or the seeming certainty
8 that school wouldn't be out.

9 This accounted, I think, for a large
10 number of people leaving the area.

11 JUDGE PARIS: Are you aware of any
12 problems that the early release generated?

13 MR. DYNES: No. It was a normal
14 school day as far as, I mean, normal in the sense
15 that they followed their regular patterns.

16 JUDGE PARIS: Finally, Dr. Lecker,
17 one question for you: Do you think fear of
18 nuclear power is a phobia?

19 MR. LECKER: No, I don't see it as a
20 phobia in the strict definition of a phobia which
21 really is that somebody is afraid of something
22 else and that fear of something else is translated
23 or displaced onto nuclear power.

24 I will say that fear of nuclear power
25 to the extent it sometimes is seen is an

1 exaggerated fear based on really a failure to have
2 adequate information.

3 JUDGE PARIS: Okay. Thank you very
4 much, gentleman.

5 JUDGE SHON: In several cases, both
6 of you gentlemen have told us that your principal
7 grounds for believing that people will behave
8 normally confronted with the nuclear power plant
9 accident is the experience at TMI or at least --
10 the experience at TMI and an analogy to other
11 kinds of emergencies; is that correct?

12 MR. LECKER: Correct.

13 MR. DYNES: I think it's more an
14 analogy. I think it's observations in a number of
15 cases.

16 JUDGE SHON: Right. However, one of
17 the important points that the Intervenors had
18 stressed, and I want to get that through both the
19 witnesses, also, is that they believe that these
20 two are fundamentally very different sorts of
21 things and that people will react to them very
22 differently.

23 The chief instance where you have a
24 nuclear power plant instance is TMI, surely, but
25 TMI was different from the sort of thing that at

1 least might be envisioned in a worst-cast accident
2 here.

3 I don't mean worst case, just the
4 police chiefs being on vacation. TMI involved
5 evacuation only as a precaution before a potential
6 means.

7 It has been suggested and, indeed,
8 accidents have been analyzed by the witnesses that
9 appear before us wherein people would meet to get
10 out of an area that either already was
11 contaminated or was in an immediate danger of
12 being contaminated.

13 Wouldn't this make a substantial
14 difference? I mean it makes a difference whether
15 you announce to this group here that, "There
16 might be a fire here in a few hours. let's leave,"
17 or the flames come bursting in from the door.

18 Wouldn't this drastically alter the
19 reactions?

20 MR. LECKER: I think there's good
21 literature to suggest that people's behavior even
22 in that kind of situation given, say, a fire, a
23 flood or whatever that people's behavior would not
24 deteriorate except only in one instance, that the
25 scenario was that there was confusion, say, in the

1 ranks of leadership and that they felt that their
2 only exit, if you like, from the situation was
3 about to be occluded, and that's been studied in
4 other disasters, that that's probably the only
5 scenario one can depict.

6 We can imagine the governor getting
7 on the radio or the county supervisor getting on
8 and being very unsure of what he's recommending,
9 that they also felt -- or the Tappan Zee Bridge
10 fell down or something like that, that their
11 egress from the area combined with it, was blocked
12 combined with a confusion from leadership.

13 Otherwise, I think that would would
14 see organized behavior projecting from other
15 disasters into this one.

16 JUDGE SHON: Secondly, we have been
17 told again primarily by the Intervenors' witnesses
18 and it has been pointed out through their
19 questions in cross-examination that there is at
20 least one substantial quantitative difference
21 between a group's reaction to a radiation incident
22 and a group's reaction to other incidents in that
23 comparing TMI to things even like Times Beach in
24 the case of radiation, more people leave than are
25 told to leave; and in the case of other incidents,

1 people are reluctant to leave.

2 You tell them there's a flood or a
3 hurricane coming, they'll just stay here when they
4 are told to leave.

5 Is it quantitatively true and does it
6 demonstrate a real difference in the two kinds of
7 incidents?

8 MR. DYNES: No. I don't think the
9 evacuation pattern was different. I think as I
10 have indicated, some of the confusion has occurred
11 in people who were looking for the TMI evacuation
12 who have never looked at any other evacuation.

13 They don't have any baseline to
14 consider. So they have assumed that, for example,
15 that the distance that people went was somehow
16 abnormal. It was abnormal only because it was a
17 weekend. In other words, people combined it with
18 other things.

19 So I don't think the pattern is
20 really any different along that line. I think
21 that there's some people who have suddenly become
22 interested in emergencies and they don't have the
23 background in terms of the knowledge of ranks.

24 So they understand -- they look at
25 things that are typical and define them as

1 abnormal.

2 JUDGE SHON: Did you have something
3 more?

4 MR. LECKER: No, not really.

5 JUDGE SHON: Lastly, the name of Dr.
6 Kye Ericson came up. You or one of the other
7 gentleman -- I think Dr. Lifton in particular --
8 quoted earlier work by Kye Ericson, a book by him
9 in which you alledged that he said, in effect, "All
10 emergencies are the same or responses are very
11 similar."

12 Have you read his testimony before us
13 in this case?

14 MR. LECKER: I haven't read his
15 testimony before you, but I was here during that
16 testimony. I have read his prefile testimony, and
17 I have his book here if you would like me to cite
18 the passage exactly, or to paraphrase it, and the
19 book is called "Everything In Its Path".

20 In his conclusions in the book, he
21 says that -- his primary interest was to study --
22 or one of his primary interests really was to
23 understand and help us all understand what would
24 happen in the event of nuclear war.

25 He said that naturally we can't --

1 "We don't have such laboratories available but
2 fortunately nature regularly provides us with
3 disasters," and that there is great merit.

4 The implication is from extrapolating
5 from the natural disaster to the nuclear disaster.

6 JUDGE SHON: But in his testimony, he
7 points out, rather, differences than the
8 similarities.

9 MR. LECKER: That confirms what Dr.
10 Dynes said that behavioral situation is specific.

11 JUDGE SHON: Thank you. I have no
12 other questions.

13 MS. POTTERFIELD: Judge Shon, if it
14 please the Board, I would like a citation to that
15 passage in "Everything In Its Path".

16 JUDGE GLEASON: Yes. I was going to
17 ask for it. Could we have it?

18 MR. LECKER: Sure. Shall I --

19 JUDGE GLEASON: Why don't you just
20 read the thing for the record.

21 MS. POTTERFIELD: Tell us the page
22 number.

23 MR. LECKER: This is "Everything In
24 Its Path" and I guess the publisher is Touchstone,
25 and at page 252, it says, "One cannot drop

1 experimental bombs on civilian populations in
2 order to create a laboratory for studies. So the
3 best available research strategy was to turn to
4 human situations that most closely approximated
5 atomic attacks. The obvious candidates were
6 disasters of one kind or another." And he goes on.

7 JUDGE SHON: Does he then say
8 anything further about whether or not the kind of
9 disasters that are available can mimic or mock up
10 bombs?

11 MR. LECKER: Let me just continue
12 reading for a little way. It says "Nature has a
13 way of providing such laboratories regularly.
14 Thus for a number of years, teams of social and
15 behavioral scientists were dispatched to the
16 scenes of fires, hurricanes, floods, torrenadoes,
17 tidal waves and all other visitations that
18 disturbed the piece of mankind."

19 There is sections here and there throughout
20 the book that suggest the same inference, that
21 this is the best way to understand what might
22 happen in the case of an atomic attack which is to
23 study hurricanes, fires, floods and, you know,
24 other natural manmade disasters.

25 JUDGE SHON: Thank you. I have no

1 other questions.

2 JUDGE GLEASON: All right. Ms.
3 Potterfield?

4 MS. POTTERFIELD: Yes, thank you,
5 Judge.

6 JUDGE GLEASON: All right. The
7 witnesses are excused. Thank you gentlemen.

8 MR. LECKER: Thank you.

9 MR. PICKUS: Judge, would you like me
10 to call the panel that was subpoenaed here for
11 2:00?

12 JUDGE GLEASON: I think so, unless
13 there's some reason for not proceeding?

14 MR. PICKUS: Judge, the --

15 JUDGE GLEASON: We always have a
16 problem in these proceedings where we have
17 witnesses available and it is not up to the Board
18 to make that determination. It's up to the
19 parties to have their witnesses available.

20 MR. PICKUS: Well, they are here,
21 Judge, and I'd like to call them with the Board's
22 permission.

23 The Power Authority calls Mr. Phil
24 Schmer and Mr. Michael Scalpi to testify.

25 JUDGE GLEASON: May I ask if these

1 are adversarial witnesses?

2 MR. PICKUS: These, your Honor, are
3 governmental witnesses who we have hoped would
4 appear through another vehicle. I quite frankly
5 don't have -- I expect that their testimony will
6 be basically as to what the state of emergency
7 planning is in the two counties that we haven't
8 heard from. They are not people within our
9 control, however.

10 What my plan is, Judge, is to do much
11 as Mr. Kaplan did when he subpoenaed inspector --

12 JUDGE GLEASON: Yes, I understand
13 that.

14 Gentlemen, would you please come
15 forward and raise your right-hand so we can swear
16 you in.

17 Whereupon,

18 PHILIP SCHMER

19 MICHAEL SCALPI

20 were sworn in by the Administrative Law Judge and
21 testified as follows:

22 MR. SCALPI: I had three pieces of
23 literature I'd like give out if I can. I would
24 like to submit --

25 MR. PICKUS: Would the Board like to

TAYLOE ASSOCIATES

1 swear the witnesses first?

2 JUDGE GLEASON: They have already
3 been sworn.

4 MR. PICKUS: Whatever the Board's
5 preference would be, Judge, I have no problem with
6 him distributing the literature.

7 JUDGE GLEASON: We have no problems.

8 MS. FLEISHER: Your Honor, excuse me.
9 I just filed today a cross-ex plan because we have
10 received nothing in writing from the Licensees
11 about their order of witnesses or the days that
12 they would be on.

13 It's one thing to announce that they
14 are subpoenaing a witness in the hope that they
15 will be here in time, but we did not have notice
16 that they would, and I would like to cross-examine
17 Mr. Schmer if I may.

18 JUDGE GLEASON: We are going to
19 permit you to do that, Miss Fleisher. We are
20 going to permit you to cross-examine and we are
21 going to permit anybody to cross-examine but we
22 are proceeding.

23 Now, we want to proceed in the way
24 you want to proceed.

25 MR. PICKUS: Very well, Judge. May I

1 confer with the witness for just a moment and see
2 what these documents are?

3 JUDGE GLEASON: Go ahead.

4 MR. PICKUS: Judge, Mr Scalpi would
5 like to have bound into the record in addition to
6 his testimony that he's given here a limited
7 appearance statement.

8 I understand that in the past there's
9 been precedent for disallowing a witness to
10 testify and to also give a limited appearance
11 statement.

12 JUDGE GLEASON: That's a precedent
13 which the Licensees have objected to.

14 MR. PICKUS: Well, we have been
15 overruled, Judge.

16 Let's put it this way: It's Mr.
17 Scalpi who wants to put this in.

18 JUDGE GLEASON: Let's keep the record
19 straight and keep the record consistent. If you
20 have a statement you want to put in as a limited
21 appearance, we'll accept it as a limited
22 appearance statement.

23 MS. POTTERFIELD: Judge, my only
24 problem is that we have never before had a witness
25 who has testified -- I assume the problem is

1 that he's testifying to the things that he knows
2 of his own personal knowledge and then wants to
3 put in a limited appearance as to the hearsay that
4 he has.

5 I mean I don't understand.

6 MR. PICKUS: This is the first time I
7 have seen this statement.

8 JUDGE GLEASON: I understand he's not
9 going to be testifying to this information except
10 in reference to cross-examination.

11 MS. POTTERFIELD: So that, in fact,
12 it will be direct testimony instead of a limited
13 appearance?

14 JUDGE GLEASON: Yes, that's right.
15 All this is, if I understand counsel, is a
16 statement by the witness that he would like to
17 have in the record as his statement under a
18 limited appearance format.

19 I see no objection to that but it
20 can't be use for any other purpose.

21 Would you like to see it?

22 MS. POTTERFIELD: Yes, we would like
23 to see it.

24 JUDGE GLEASON: Show her a copy.

25 DIRECT EXAMINATION

1 BY MR. PICKUS:

2 Q. Gentlemen, to try to make things go
3 quickly here, I'm going to direct questions to you,
4 and the same question is directed to both of you,
5 so if one of you would respond to the question
6 first and then the latter would then respond.
7 It's directed to both of you.

8 JUDGE GLEASON: Yes. Let me say that
9 this statement, this limited appearance statement,
10 should be place into the record as a limited
11 appearance statement. Now you may proceed.

12 MR. PICKUS: Thank you, Judge.

13 Q. Would each of you please state for
14 the record your name and business address?

15 A. (Witness Schmer) Phil Schmer, 255-275
16 Main Street, Goshen, New York, 10924.

17 Q. Mr. Scalpi?

18 A. (Witness Scalpi) Michael Scalpi,
19 Civil Defense Director, Putnam County, Two County
20 Center, Carmel, New York 10512.

21 Q. Mr. Schmer, what is your present
22 position of employment?

23 A. (Witness Schmer) My official title is
24 Assistant Director of Office of Natural Disaster
25 Civil Defense, Orange County.

1 Q. In that capacity, are you the person
2 in day-to-day charge of emergency planning for
3 Orange County?

4 A. (Witness Schmer) Yes, sir.

5 Q. Mr. Scalpi, could you please tell us
6 what your present employment position is?

7 A. (Witness Scalpi) I'm the Civil
8 Defense Director of Putnam County.

9 Q. And are you similarly the person in
10 day-to-day charge of emergency planning for the
11 county?

12 A. (Witness Scalpi) That's correct.

13 Q. Could you give us a brief rundown of
14 the former positions that you have held, Mr.
15 Schmer?

16 A. (Witness Schmer) After finishing
17 school, I went into the service for six years.

18 After leaving the service I worked
19 for the state government and finished 24 years of
20 service.

21 During that time I was a technician,
22 radar repair, missile repair, this sort of thing
23 and held a commission in the reserves.

24 Q. Could you tell us what kind of
25 education, training and background you have had in

PUTNAM



COUNTY

OFFICE OF CIVIL DEFENSE

COUNTY OFFICE BUILDING

CARMEL, NEW YORK

CARMEL 5364 EXT 218

MICHAEL SCALPI
Director

March 30, 1981

Michael Scalpi - Limited Appearance Statement for the Atomic Safety and Licensing Board

My name is Michael Scalpi and I am the Civil Defense Director for Putnam County. I have served in this capacity for over six years. In that time I have attended numerous courses and seminars on the Federal and State level in Comprehensive Emergency Management including the Nuclear Regulatory Commission interagency course in Radiological Emergency Response Planning in Support of Fixed Nuclear Facilities on July 15th, 1978.

I feel this experience makes me qualified to appear before this body to express my view as a professional on the state of preparedness in regards to the Putnam County portion of the Indian Point Emergency Response Plan.

I have been working with the state and the utilities on emergency planning at Indian Point since January of 1980 and have found the work both rewarding and frustrating. We have worked with some of the best planners in the country on this project. We received Rev. 1 of the plan in August of 1981 and have done training with our services.

We have been working with the State Radiological Emergency Preparedness Group since May 3rd, 1982 for plan revisions resulting from exercise criticisms from FEMA, N.Y. State, and our County critique. As you can see from the post-exercise assessment, Putnam County received a very satisfactory rating. We believe these results came from studying the plan, training our services with the plan, and having respect for the plan.

Our services have had the opportunity to provide input in the plan and the revisions of the plan. My services do not have negative feelings on the workability of the plan.

We have found criticism of the plan from members of our Putnam County community complaining that they had no input in the planning process. These are all people who are potential evacuees and therefore would have very little to do besides evacuating. Nevertheless, they have been invited to submit their problems to the Civil Defense Officer either in writing or in person and as of this date not one person has come forth.

I can only come to one conclusion and that is that their only interest is in closing the plant regardless of a workable plan.

(Continued)

PUTNAM



COUNTY

OFFICE OF CIVIL DEFENSE

COUNTY OFFICE BUILDING

CARMEL, NEW YORK

CARMEL 8-3841, EXT. 218

MICHAEL SCALPI
Director

Michael Scalpi - Limited Appearance Statement for the Atomic Safety and Licensing Board Page 2

I think it must be said that the utilities and the state have been cooperative to the point where there was nothing they wouldn't do to help us in this great effort. Their interest and sincerity was exemplary. Had we to do this over again, I would not have changed a single thing.

Sincerely,

A handwritten signature in cursive script that reads "Michael Scalpi".

Michael Scalpi
Civil Defense Director

MS:rc

1 emergency planning?

2 A. (Witness Schmer) Wow.

3 Q. You can summarize for us.

4 A. (Witness Schmer) Well, in the service
5 I went up through qualification for promotion for
6 field grade, you know, the service forces that
7 were required up through commander of general
8 staff.

9 On this particular job, since I have
10 been on the job, I have completed the federal
11 requirements for emergency planning which is
12 approximately eight weeks of resident schooling.

13 I have gone to at least one graduate
14 seminar. I have been to the RERO course in Las
15 Vegas, Nevada, for two weeks.

16 I took the Lowell University
17 radiological course which was two weeks and many
18 emergency planning courses at Battlecreek,
19 Michigan, at federal schools, this type of thing.

20 Q. How long have you been in your
21 present position with Orange County?

22 A. (Witness Schmer) It will be eight
23 years in two months.

24 Q. Mr. Scalpi, may I direct the same
25 question to you? Could you tell us about your

1 employment history and what kind of training and
2 experience you have had in the area of emergency
3 planning?

4 A. (Witness Scalpi) I'm a retired
5 boatsmate, U.S. Navy, and in business myself for
6 about 15 years and I took this job about almost
7 seven years ago lacking a couple of months, and
8 pretty much attended the same schools that Mr.
9 Schmer attended, graduated at Battlecreek Staff
10 College Phase Four, Nuclear Regulatory School
11 prior to Three-Mile Island and numerous other
12 seminars and schools that we attended.

13 Q. Now, gentlemen, did there come a time
14 at which you initiated work either individually or
15 with others on a Radiological Emergency Response
16 Plan for your county in connection with the Indian
17 Point reactors?

18 A. (Witness Schmer) We became a little
19 concerned about radiation in 1975. Newspaper
20 articles started to appear, mostly pertaining to
21 transportation incidents involving radiation.

22 At this time, we conducted a public
23 seminar in our county; and to allay fears in the
24 latter part of 1975, we organized what I find out
25 to be was the first RERO team in this country,

1 Radiological Emergency Response Operations team.

2 My people have taken training at the
3 Las Vegas test site at similar courses. I have
4 already mentioned the Lowell University course,
5 many of the State radiological courses.

6 So we put together an emergency
7 response plan to respond to these types of things
8 in 1975.

9 About a year and a half later, we
10 started working with Con Ed to correlate some
11 activities, you know, for protection against the
12 type of incident at a nuclear reactor.

13 Of course, it didn't really get into
14 high gear until after the Three-Mile Island
15 incident.

16 Q. And what happened after the
17 Three-Mile Island incident?

18 A. (Witness Schmer) Well, I'm sure we
19 are all aware that at that time, the federal
20 government mandated planning for, you know,
21 offsite consequences. They did come up with what
22 I believe was a very unrealistic time frame to put
23 a plan in place.

24 The utilities contacted people like
25 Mr. Scalpi, myself, to assist them, realizing that

1 we could never put this type of a plan into place
2 in the short time frame that was given us.

3 They consented to hire consultants to
4 work with us.

5 We have been working with these
6 consultants with the utilities and with the State
7 ever since.

8 Q. Mr. Scalpi, Could I seek your answer
9 to those questions as well? Did there come a time
10 when you commenced work on the Radiological
11 Emergency Response Plan for Putnam County?

12 A. (Witness Scalpi) Well, in 1977, I
13 was very fortunate. I had a civil affairs brigade
14 with 105 Army officers in it, and about 20
15 enlisted men and they came to my county at my
16 request and done a whole plan for me on nuclear
17 war more or less.

18 So when we went into this, to these
19 plans, after TMI, we already had a viable
20 up-to-date plan in my county that could be used
21 for almost everything.

22 So this was more or less in addition
23 to the plan that I had, though it was a separate
24 plan made by Parsons Brinkerhoff, and like Phil
25 says, we have been working on this plan for over

1 two years now, and actually, we are the people who
2 actually put the plan in operation, and we put who
3 goes with the plan, where they go and all this,
4 and it's a very -- it's a great document, down
5 to the point this plan -- we break it down to the
6 point where we pick up Mrs. Oshkosh in a
7 wheelchair in a van that has a hydraulic lift on
8 it, and take her someplace.

9 No plan that I have ever seen before
10 in anything really details, goes down to that
11 detail but this plan does.

12 Q. Just to back up for a second,
13 gentlemen, I believe both of you have made
14 reference to consultants who assisted you
15 initially in the preparation of the plan.

16 Could you please identify the
17 consultants for the record?

18 A. (Witness Schmer) Well, initially, we
19 were involved and interviewing many consultant
20 firms before they were hired, and I remember one
21 particular day at Ten Columbus Plaza, I believe it
22 was the PASNY headquarters, most of us were
23 impressed by the presentation that was put on by
24 EDS and EDS from Long Island was the initial
25 consultant that I'm familiar with.

1 We started to work with them.
2 another arrangement was made -- I don't really
3 know how -- but Parsons Brinkerhoff came on the
4 scene; and from that point on, we worked much more
5 closely with Parsons Brinkerhoff.

6 Q. Did you find that Parsons Brinkerhoff
7 was receptive to whatever input that you had to
8 work that they were doing?

9 A. (Witness Schmer) I was very impressed
10 with Parsons Brinkerhoff, the people that worked
11 for them, the type of work they do. They really
12 go down to -- really get down into the
13 nitty-gritty, the real detail type of work that's
14 needed in this type of operation.

15 Q. Mr. Scalpi, do you have an opinion
16 with respect to Parsons Brinkerhoff?

17 A. (Witness Scalpi) Yes.

18 MS. FLEISHER: Your Honor, I'm going
19 to object. This is like a rebuttal or something
20 like we did to cross Parsons Brinkerhoff.

21 JUDGE GLEASON: This is like what?

22 MS. FLEISHER: I'm sorry. I think
23 it's self-serving of them to have these two men
24 come in here and say how wonderful Parsons
25 Brinkerhoff was.

1 They have been on the stand.

2 MR. PICKUS: We could have asked
3 Parsons what they think of themselves.

4 JUDGE GLEASON: I don't really
5 understand your objection, Mrs. Fleisher. Please
6 proceed.

7 Q. Mr. Scalpi, I believe the question
8 was whether you have an opinion of the kind of
9 work that Parsons did?

10 A. (Witness Scalpi) Okay. Well,
11 Parsons Brinkerhoff give us the first draft. The
12 first drafted had quite a few things in it that
13 were wrong. We took this plan and we called the
14 services in, for instance, the transportation
15 plan. Some of the roads were named wrong, which
16 would be -- I think it would be par for the
17 course for anybody who is making a plan.

18 We took our own people, our sheriffs,
19 our highway department people and we showed them
20 the plan. We showed them the maps. They pointed
21 out where the mistakes were on the roads and stuff.
22 We made these corrections. We made these
23 corrections two years ago; two years ago we made
24 these corrections. Almost anything we wanted --
25 anything they want to do, we had the input.

1 If we studied and read the plan and
2 done what we are supposed to do with the plan, we
3 had all kinds of input.

4 MR. SCHMER: I'd like to elaborate on
5 that.

6 Actually, what we did, Parsons
7 Brinkerhoff was doing studies on the roads. They
8 were running the roads in Orange County. At this
9 point, our plan starts to form.

10 I, the Superintendent of Highways for
11 my county who was in the Department of Public
12 Works, went down to One Penn Plaza where Parsons
13 has their headquarters. We sat down and worked
14 with them on these things, and our Superintendent
15 of Highways was rather impressed with what he
16 found.

17 As the plan developed, Parsons
18 Brinkerhoff did not put a plan together for us.
19 They worked with us. Every month we had a
20 department head meeting. We had all our
21 commissioners and department heads and we sat down
22 with Parsons Brinkerhoff so that anything we put
23 together would be tailored to how things
24 functioned in Orange County.

25 This is how the plan evolved.

1 It was with direct input from all our
2 agency heads and department heads.

3 Q. Let me ask you this, gentlemen, Mr.
4 Schmer, first, whose plan do you consider it to be
5 today?

6 A. (Witness Schmer) In Orange County, it
7 is the Orange County plan.

8 Q. Mr. Scalpi?

9 A. (Witness Scalpi) Same. It's Putnam
10 County's plan. It's up to us to keep it up to
11 date and viable.

12 Q. Now, gentlemen, in connection with
13 your ongoing work on the Plan, have you allowed
14 opportunity for input from the members of the
15 communities who wish to make suggestions about
16 what should be in the plan?

17 A. (Witness Schmer) Well, if you would
18 like to spend some time with me, within the next
19 two weeks you'll find out exactly how we do that.

20 Next Thursday night I'm appearing
21 before the town board in the town of Monroe
22 Woodbury. Friday night I'm appearing before the
23 town board -- this is meetings with the public
24 in the town of Highland. We have put together a
25 slide program that explains the plan into somewhat

1 detail, and we go out into local jurisdictions.
2 We show this program and we field questions from
3 the local constituents.

4 We want to make sure that they know
5 what's in this plan. Many times some good
6 suggestions come out of these things.

7 Q. I take it that you performed these
8 activities in the past?

9 A. (Witness Schmer) This is on ongoing,
10 been ongoing for years in our jurisdiction.

11 Q. If a suggestion were made that you
12 find helpful, would you take it into account in
13 the plan?

14 A. (Witness Schmer) Definitely.

15 Q. Mr. Scalpi, could I direct the same
16 question to you?

17 A. (Witness Scalpi) Yes. I went to
18 quite a few public meetings. I do pretty much
19 what Phil does. We have a slide show from my
20 county that we have put together. And we go to
21 different public places.

22 I have asked antinuke people -- as a
23 matter of fact, I have asked everybody but I went
24 to meetings where I was almost run out of the
25 meeting before the thing was over with, but I

1 asked them people.

2 In all sincerity, I think my
3 statement would sound like I feel like the Maytag
4 washer guy sitting down in the basement. I would
5 love for somebody to come down here and talk to me
6 in the course of a day and somebody who has
7 something to say about this plan to come in my
8 office, "Let's talk about it, let's go over it."

9 Never had anybody come in, not in two
10 years. They have been invited widely.

11 Q. Have you been in contact with any of
12 the organizations such as Parents Concerned About
13 Indian Point that are parties to this proceeding?

14 A. (Witness Schmer) I haven't, no. I'm
15 sure there are people in this room that know me,
16 Mrs. Fleisher. I have gone down to Rockland
17 County to some meetings and seminars that they
18 have had down there. I have gone out to
19 Westchester County, to, you know, public forums,
20 but I have never been in contact with these people.

21 Q. Mr. Scalpi have you been in contact
22 with these people?

23 A. (Witness Scalpi) Not directly
24 physical contact, but I have in here a letter from
25 the Parents Concerned About Indian Point that they

1 wrote to the principals of our schools, and I
2 would like to -- I'd like this to be part --

3 MS. POTTERFIELD: Objection. It's
4 hearsay, your Honor.

5 MR. SCALPI: What the -- what the
6 hell happened?

7 MR. PICKUS: Judge, I don't believe
8 that I'm offering it into evidence at this time.
9 I may. I have never seen this letter before. I
10 would like to have it distributed and marked for
11 identification.

12 JUDGE GLEASON: All right. Let's do
13 that.

14 MS. POTTERFIELD: It's clearly
15 hearsay, your Honor. I don't see any point in
16 identifying or letting him testify about it.

17 MS. FLEISHER: We have no copies of
18 it.

19 MR. PICKUS: Judge, if I may be heard,
20 I believe that the hearsay objection only obtains
21 to documents that are offered into the evidence
22 when the truth of the matter is asserted. As I
23 said I have not offered it into evidence.

24 JUDGE GLEASON: I heard what you said.
25 Let's mark it. What do you want it marked?

1 MR. PICKUS: Could I have it marked
2 with the Board's permission as PA-44.

3 JUDGE GLEASON: All right. It will
4 be so marked.

5 (PA 44 was marked for identification).

6 Q. Mr. Scalpi, is this a letter that you
7 received in the course of your employment at
8 Putnam County Civil Defense Director?

9 A. (Witness Scalpi) Yes.

10 Q. Judge, I would move the admission of
11 Exhibit PA-44 into evidence at this time on
12 several grounds. The most important being that it
13 is a statement by a party, and indeed is signed by
14 a witness who is here to testify. To that extent
15 and after reading the material contained in it, I
16 believe it's an admission. The letter contained
17 certain information. It has been conveyed to
18 individuals in the emergency planning zone, which
19 presents a somewhat skewed viewpoint of the
20 emergency planning process.

21 MS. POTTERFIELD: Objection to the
22 characterization of the letter.

23 MR. PICKUS: Judge, may I please
24 finish and we can hear the rest of the comments.

25 There's also a solicitation letter

1 and finally, I might add and I note this is on the
2 record that I requested production of such
3 solicitation letters from Parents Concerned About
4 Indian Point, and I was told that there were no
5 such letters, and I believe that this is an
6 indication of the bad faith with which some of the
7 Intervenor's have complied with their discovery
8 obligations.

9 JUDGE GLEASON: When did counsel
10 request such letters?

11 MR. PICKUS: I requested this about
12 two or three weeks ago to Mrs. Rodriguez. I was
13 told orally that there were no such letters in
14 existence.

15 Then in response to a request I made
16 on the record, I think about a week and a half ago,
17 the Board directed Parents to turn these letters
18 over to us, and we still haven't received them.
19 This is the first time, Judge, that I have seen
20 this letter, and I believe it gives us some
21 understanding of the basis for the information
22 that's been offered by the Intervenor's into
23 evidence in this proceeding, and I don't think of
24 anything more relevant whether it be considered an
25 admission or another document.

1 I note that one of the signatores of
2 this letter was here to testify and at that time
3 could have been cross-examined. I don't know why
4 Parents Concerned About Indian Point or any other
5 Intervenor would want to cross-examine their own
6 witness. So I would move it into evidence.

7 JUDGE GLEASON: Mrs. Potterfield?

8 MS. POTTERFIELD: Judge Gleason, the
9 characterization of the letter I think are totally
10 false. The letter is a letter that was clearly
11 part of the survey that Miss Anduzi conducted
12 about which he testified asking principals and
13 other people in reception centers what their
14 preparedness was to accept school children.

15 it's part of the survey. She
16 testified about it over objection. The Licensees
17 objected to her testifying, that in response to
18 her survey she had gotten information that they
19 were not prepared to accept school children in
20 some areas.

21 That's all there is to it. It's not
22 an admission.

23 If they had asked for this letter
24 when we were trying to get the Board to permit
25 Miss Anduzi to testify about her survey, then they

1 would have gotten it.

2 As I understand their request for
3 letters, it was a request for letters that were
4 written to witnesses who testified. Clearly this
5 letter resulted in no witnesses that I know of.

6 How Mr. Scalpi got it, I don't know
7 but it certainly isn't one of the letters that was
8 embodied in the request that was made, as I
9 understand the request, not having been involved
10 in it.

11 I know that the request Mr. Pickus
12 made on the record was for one letter, I think,
13 that went to one particular witness who was here
14 to testify. He didn't request as I understand it
15 all letters that were ever sent out by Parents
16 trying to find out information about the
17 preparedness of schools and reception centers to
18 conduct the activities that were assigned to them
19 in the plan.

20 It's no admission at all. It's
21 something that we have testified about and are
22 -- and it contains none of the kinds of
23 information that Mr. Pickus has characterized it
24 contained.

25 MR. PICKUS: Judge, if I may,

1 apologize.

2 JUDGE GLEASON: Yes. The Board is
3 still sitting here without a copy of this exhibit.

4 MR. PICKUS: I'm sorry.

5 MS. POTTERFIELD: Miss Anduzi
6 testified that they returned -- they had three of
7 these letters in her hand when she testified.

8 JUDGE GLEASON: Is her testimony
9 admitted?

10 MS. POTTERFIELD: Well, it was a
11 struggle, your Honor, to put it mildly.
12 Eventually, she was able to testify that she had
13 done an informal survey and as to some of the
14 responses that she received from them.

15 MR. PICKUS: Does the Board now have
16 a copy?

17 JUDGE GLEASON: Yes.

18 MR. PICKUS: Judge, just to point to
19 so some of the statements that I believe create a
20 less than unbiased survey, questionnaire, the
21 letter starts out in the first paragraph talking
22 about radiation disaster, which presumes that
23 there would in fact be adverse consequences.

24 Then it goes on to talk about the
25 FEMA deficiencies. Then it goes on on page 2 to

1 talk about stating even if they got no information,
2 little or no information, et cetera, it strikes me
3 as being precisely the kind of thing as the Con
4 Edison Exhibit, I believe it was Con Edison 9,
5 that was admitted in this proceeding, the survey
6 that was done by the Rockland Schools Committee
7 which started out with all kinds of scenarios
8 about a disaster and then purported to seek
9 unbiased evidence of what was going on in the
10 schools.

11 MS. POTTERFIELD: The difference, of
12 course, Judge Gleason, is that that exhibit was
13 put in through the author of the survey.

14 MR. PICKUS: And if I may, Judge, I
15 wished that I had this letter to cross-examine
16 those witnesses about. This is precisely why I
17 asked Mrs. Rodriguez for copies of all
18 correspondance that had been sent out by Parents
19 Concerned About Indian Point to witnesses so that
20 I might have had the opportunity to cross-examine
21 the witnesses about this document.

22 I don't think it's fair that the
23 Intervenors should be allowed to bootstrap their
24 own failure to your comply with discovery into
25 preventing us from putting very relevant evidence

1 into the record.

2 MS. POTTERFIELD: Again, clearly,
3 Judge Gleason, it was not a letter sent to a
4 witness. It was a letter sent by a witness which
5 that witness had in her hand while she was being
6 cross-examined, and which she tried to get into
7 evidence at that time.

8 MR. PICKUS: My ears must be
9 disceiving me because I thought Ms. Potterfield
10 said a few minutes ago that this was sent to
11 witnesses.

12 MS. POTTERFIELD: I certainly did not
13 say that. I said it clearly was not. It was sent
14 by a witness, Joan Anduzi, who then testified
15 about the survey that she sent over objection.

16 She had in her hand if you'll
17 remember the envelopes returned no -- that the
18 schools were no longer there, return to sender.

19 At that time she was testifying over
20 objection.

21 MR. SCALPI: Is it legal for me to
22 say something her, your Honor?

23 JUDGE GLEASON: Not at this point.

24 MR. PICKUS: Well, bring back the
25 Grand Jury.

1 MR. BRANDENBURG: Mr. Chairman, if I
2 may very briefly, I don't want to add except one
3 thought to the discussion that's already gone on
4 in this: I don't think the admissibility of this
5 document should turn or fall upon whether or not
6 this went to a party that ultimately became a
7 witness before this proceeding. I think the
8 record is very clear and if it's vital to the
9 Board's ruling, I think we can come up with a
10 transcript reference both off the record but
11 particularly on the record where Mr. Pickus asked
12 in very clear unmistakable language for all
13 witness solicitation material that had been sent
14 by parties to this proceeding to others.

15 Clearly at the top of page 2 of this
16 document, this document asks, "Please indicate
17 whether you could be available to present this
18 information in person before the NRC Atomic Safety
19 And Licensing Board Hearing in White Plains."

20 Now, I submit the mere fact that that
21 statement alone entitles us to have this record
22 admitted into evidence as witness solicitation
23 material that had been requested upon the record
24 and not received prior to today.

25 JUDGE GLEASON: How did you come into

1 possession of this statement, sir?

2 MR. SCALPI: I had a seminar for all
3 the school principals on congregate care and one
4 of the principals told me she had this letter.

5 JUDGE GLEASON: I see.

6 Even though it's hearsay, it's the
7 kind of hearsay that's admissible in this
8 proceeding, and the objection is denied and the
9 will be admitted into the record. Please proceed.

10 Q. Mr. Scalpi, what kind of an effect do
11 you think that this letter has had on the
12 preparation of an effective Emergency Plan for
13 your county?

14 A. (Witness Scalpi) Well, if -- I'm
15 glad I got to say something about this. It's
16 devastating.

17 On the bottom you'll notice that I
18 have a black marking going down here in the second
19 to the last paragraph, and it says here, "For example,
20 the emergency response plan calls for facilities
21 such as your school to provide services such as
22 radiation monitoring, decontamination, staffing
23 and provision of maps and directions to related
24 emergency facilities."

25 Actually, the plan -- and I also put

1 with that a copy of the plan and what they are
2 supposed to furnish.

3 What they are supposed to furnish is
4 a school with the janitorial service and whatever.
5 It's not -- I'm not saying that verbatim, but
6 monitoring and all that is done by us, by other
7 people. It's not done by the schools.

8 So this school principal was very
9 upset in that she didn't have any information from
10 me on what she was supposed to do.

11 All the time, she did have the
12 information because all she had to have was the
13 school, the janitorial service. So I think it is
14 detrimental to the plan.

15 JUDGE GLEASON: May I ask a question
16 which I should have asked? There's a third sheet
17 of paper. Is that --

18 MR. SCALPI: That's a copy of my
19 plan, your Honor, that's the particular page that
20 is to do with the congregate care centers.

21 JUDGE GLEASON: Let me ask counsel,
22 please.

23 MR. SCALPI: I'm sorry, your Honor.

24 JUDGE GLEASON: Says "form reception
25 congregate care centers." Is that a part of this

1 letter?

2 MR. PICKUS: I'm not sure, Judge. As
3 I say, I just saw the letter for the first time
4 five minutes ago for myself.

5 JUDGE GLEASON: Where did it come
6 from and what it is purposes?

7 MR. PICKUS: Mr. Scalpi, maybe you
8 could tell the Board.

9 MR. SCALPI: That's the actual copy
10 of what they do in a congregate care center.
11 That's actually what this principal had to do with
12 this.

13 JUDGE GLEASON: I'm handing this back
14 to you because it's just this letter that we want.
15 Was that PA No. 44?

16 MR. PICKUS: That is correct, Judge.

17 JUDGE GLEASON: All right. Go ahead.

18 MR. BRANDENBURG: My understanding
19 Mr. Chairman, is that PA 44 as admitted into
20 evidence consists of a two-page letter and nothing
21 more; is that correct?

22 JUDGE GLEASON: That's correct.

23 MR. PICKUS: That's correct, Judge.
24 Apologize for the confusion.

25 JUDGE GLEASON: That's Okay.

1 Q. Mr. Scalpi, have you offered any
2 people who have been critical of the plan an
3 opportunity to come in and speak with you and
4 relay their concerns?

5 A. (Witness Scalpi) Absolutely, on many
6 occasions.

7 Q. And have any of those people followed
8 up on your invitations?

9 A. (Witness Scalpi) Not one.

10 Q. Now, gentlemen, did there come a time
11 when the State of New York began to play a bigger
12 role in radiological emergency response planning?

13 A. (Witness Schmer) Yes. Early part of
14 last year, I don't recall the exact date that, Law
15 708 was passed. But at that time, the state
16 organized a REP Group a Radiological Emergency
17 Planning Group, hired consultants and, in addition,
18 dispersed monies to the counties for radiological
19 planning.

20 In other words, they provided
21 consultants to work with us, to assist us in this
22 workload and provided monies to supplement or
23 purchase whatever additional equipment we would
24 like to have to enhance our planning process.

25 Q. How much money have they give given

1 you Mr Schmer?

2 A. (Witness Schmer) Ballpark figure this
3 past year in the vicinity of \$70,000 which we used
4 for additional radiological equipment, some
5 training equipment, to enhance our current
6 communications system, this type of thing.

7 Q. Do you expect to get money from the
8 state on an annual basis?

9 A. (Witness Schmer) Yes, at least until
10 the initial requirement that we submitted is
11 honored.

12 Q. Mr. Scalpi, have you received money
13 from the state to assist you in radiological
14 emergency planning?

15 A. (Witness Scalpi) Yes. I have
16 received probably about \$140,000. I had no
17 communications when we started. Now my EOC is
18 fully equipped with communications, and that's
19 about the answer.

20 Q. Have either of you received any
21 equipment from the state to help support your
22 efforts for radiological emergency planning?

23 A. (Witness Schmer) Well, we have always
24 received equipment from the state in the form of
25 war related activities, radiological equipment.

1 A number of those pieces of equipment
2 are or can be used in this type of a scenario.

3 The utilities, however, did provide
4 us with a tremendous amount of much more
5 sophisticated equipment to work in the peacetime
6 nuclear scenario.

7 Q. Could you tell us what that equipment
8 is?

9 A. (Witness Schmer) Yes, samplers which
10 the state never issued or federal government never
11 issued, radiological equipment that would measure
12 in micrograms as versus milligrams, in other words
13 a millionth of a gram as versus a thousandth of a
14 gram, much more sophisticated dosimeters and LTD,
15 thermoluminescent dosimeters which we never had before.

16 Q. Did the utilities pay for this?

17 A. (Witness Schmer) Yes, the utilities
18 paid for this.

19 In addition, the utilities, if I may,
20 continue with that, provided us with computers,
21 telefax machines, telephones, really anything we
22 requested to insure that our plan would work.

23 Q. Mr. Scalpi, have you received
24 equipment from either the state or the Licensees?

25 A. (Witness Scalpi) Both. When I talked

1 about the \$140,000, the state paid for some radios
2 for me in the beginning and I know what the cost
3 of it was.

4 A generator, I needed an emergency
5 generator, and they gave me money for the
6 emergency generator.

7 When I say \$140,000, I'm talking
8 about total of everything. They did give us five
9 REM dosimeters. I guess all that money comes out
10 of the utility rental or whatever they want to
11 call it.

12 The utilities, also, gave us all
13 kinds of equipment. As a matter of fact, anything
14 we want, they have been more than decent about
15 giving us.

16 Q. And have the utilities expended
17 monies, to your knowledge, beyond those which they
18 are required to pay under state law?

19 A. (Witness Schmer) Absolutely no doubt
20 about that. For instance, the slide program, to
21 put together a slide program so that I can go out
22 and educate the public on our planning process, I
23 don't know the exact figure, but I understand it
24 was in excess of \$5,000 for my county alone.

25 MR. THORSEN: Your Honor, I don't

1 really see the purpose of most of this examination.

2 JUDGE GLEASON: Pardon?

3 MR. THORSEN: I don't really don't
4 see much purpose behind this examination.

5 JUDGE GLEASON: The purpose of this
6 examination is to put into the record what the
7 emergency plans and attitudes of the local
8 officials is with respect to emergency plans of
9 these two counties, just as we put in the record
10 the attitude of your persons in connection with
11 the emergency planning and you are going to have a
12 chance to cross-examine them if you care to do so.
13 That's the case.

14 MR. THORSEN: Well, if I can find
15 anything to cross-examine on, I certainly will.

16 MR. SCHMER: If I may finish, sir,
17 the reason we felt to the slide program, at least
18 I felt -- I'm sure Mike felt the same way -- it's
19 one thing to have an Emergency Plan and have all
20 the players be intimately familiar with the plan
21 which is a prerequisite, but a plan of this
22 magnitude and a plan that has been getting so much
23 publicity in the newspapers couldn't really work
24 unless the public was intimately familiar with
25 their role in this thing, for instance, the

1 evacuation portion of a plan.

2 We felt the slide program would
3 enable us to go down to the local jurisdictions,
4 you know, repeatedly, you know, to make sure that
5 we got at as many people as we could to view this
6 and ask their questions and view their concerns.

7 We find that this is being very well
8 received.

9 Q. Could you gentlemen tell us a little
10 bit about the radiological emergency preparedness
11 training that might be going on in your respective
12 counties?

13 A. (Witness Scalpi) Well, in my county,
14 I meant to bring another -- my training matrix
15 with me. I forgot it. In my county, we train
16 radiological people -- I have an exceptionally
17 great radiological group because they are all
18 RACES Groups, and pretty much of my membership in
19 that particular group are engineers in the
20 telephone company.

21 Q. Mr. Scalpi, I don't mean to interrupt
22 you. Would you please identify what RACES is?

23 A. (Witness Scalpi) Radio Amateur
24 Civilian Emergency Service. They are my ham radio
25 operators that run all my communications

1 incidentally. They are all volunteers.

2 As a matter of fact my organization
3 is 95 percent volunteers, my civil defense
4 organization.

5 Now, these people are, like I said,
6 they are -- we even got a lawyer on my RACES
7 outfit.

8 JUDGE PARIS: Sounded pretty good
9 until then.

10 MR. SCALPI: I only let one in. What
11 I'm trying to say--

12 MR. BRANDENBURG: There's only one on
13 the Board, too, Mr Scalpi.

14 MR. SCALPI: What I'm trying to say
15 is they are a highly intelligent bunch of people.
16 They accept this training. They are my field
17 monitors.

18 I have a radiological officer who has
19 a lot of formal education in nuclear.

20 The training is constant. It goes on
21 all the time. If it ain't once a week it's twice
22 a week. Our matrix shows that our people are
23 trained at least five times a month. These are
24 all volunteers and they do it at night and on
25 Saturdays and Sundays.

1 I hope I have answered your question.

2 Q. Yes you have. I'm just curious, does
3 the state assist you with this training?

4 A. (Witness Scalpi) The state will give
5 us any assistance we want and the utilities will
6 give us any assistance -- I could ask the
7 utility for somebody on 2:00 on Sunday afternoon
8 to train somebody. He's there. The state will do
9 the same thing. We have no problem getting
10 anybody to give us a hand

11 Q. Mr. Schmer?

12 A. (Witness Schmer) As I indicated, we
13 have been running training for first response
14 since '75 in peacetime nuclear radiation scenarios.
15 We have been running it for many years before for
16 war related activities.

17 We have different courses for fire
18 people, police people, ambulance people. We give
19 them basic radiation terminology, you know,
20 instrumentation and this sort of thing, but in
21 some areas their mission is different a little bit.
22 So we run courses for these people.

23 We have run courses for hospitals in
24 our jurisdiction. We have, I believe, now three
25 hospitals that are prepared to receive radiation

1 for contaminated victims. It's an ongoing thing.

2 I find particularly with fire people,
3 when they take this training, a light kind of
4 dawns and they suddenly realize that they are a
5 lot safer responding to a radiation-type incident
6 than they are to the type of incidents they
7 normally respond to, for instance, chemical or
8 multiple chemical accidents.

9 They suddenly realize that this
10 radiation -- with education, they realize it is
11 not as dangerous as they have understood it to be
12 in the past, that chemicals and smoke and this
13 type of thing can, if you make a mistake in that
14 scenario, you could be dead now.

15 If you make a mistake in the
16 radiation type of scenario or -- it's not that
17 final.

18 JUDGE GLEASON: How much longer do
19 you have with this?

20 MR. PICKUS: Well, Judge, I think I
21 do have a bit more, perhaps about 45 minutes.

22 JUDGE GLEASON: All right. I think
23 that we better recess for lunch until 1:30.

24 MR. PICKUS: Thank you, Judge.

25 (Hearing adjourned at 12:35 p.m.)

1 (Hearing reconvened at 1:37 p.m.)

2 JUDGE GLEASON: Mr. Pickus, if I can
3 make a suggestion, I think we have let this
4 so-called cross-examination be rather
5 free-wheeling in this proceeding, and --

6 MR. PICKUS: It's really direct
7 examination, Judge, with all due respect.

8 JUDGE GLEASON: Well, yes, but I
9 would like you to be as specific as you can make
10 it. I think it's been a little too free-wheeling,
11 so we have got to make sure that there's a
12 fairness for all parties in the proceedings like
13 this and particularly situations like this.

14 So without prefile testimony it
15 becomes more and more difficult. So I think you
16 should make your areas specific and try to wrap it
17 up as quickly as you can.

18 MR. PICKUS: Certainly, Judge.

19 Q. Gentlemen, are you aware of a
20 post-exercise assessment that was released by the
21 Federal Emergency Management Agency after the
22 March, 1982 exercise?

23 A. (Witness Schmer) Yes.

24 Q. Mr. Scalpi, are you familiar with
25 that document?

1 A. (Witness Scalpi) 1982?

2 Q. Yes.

3 A. (Witness Scalpi) Yes, sir.

4 Q. And, Mr Schmer, did that document
5 contain some criticism as to the communications
6 capability in Orange County, to your recollection?

7 A. (Witness Schmer) Yes, it did. It
8 alluded to a malfunction in the executive hot line,
9 which did occur. It was a defective piece of
10 equipment.

11 In my response to that criticism, I
12 indicated that all crisis management people,
13 whether it be police, fire, ambulance or even in
14 the military, do experience equipment failure.

15 If equipment failure is above the
16 average, then something must be done within the
17 organization, either maintenance or there's
18 something wrong, but if it happens occasionally,
19 and the using organization puts a system into
20 place or takes immediate corrective action to
21 overcome that deficiency, then the unit or the
22 people being rated, should be evaluated, you know,
23 in that vein, which is what we did.

24 The executive hot line didn't function. We
25 immediately used another phone to call the people

1 we were supposed to be communicating with and kept
2 the line open for the duration of the exercise.

3 So although we had an equipment
4 malfunction, the mission went on, you know, without
5 any undue hardships.

6 Q. Have you since repaired the hot line?

7 A. (Witness Schmer) Yes. That was
8 repaired immediately after the exercise.

9 Maybe I shouldn't say this, but I was
10 upset when the FEMA evaluators indicated that this
11 particular piece of equipment should be repaired.

12 It would be like getting a flat tire
13 in your car. Nobody has to tell to you fix a flat.
14 It's an implied task. You correct a malfunction as
15 soon as it's humanly possible.

16 Q. Is the hot line working today?

17 A. (Witness Schmer) Yes, it is.

18 Q. Mr. Schmer, another criticism that
19 FEMA made was that relief personnel weren't
20 adequately trained during the exercise. Has that
21 deficiency been remedied?

22 A. (Witness Schmer) Yes, it has. The
23 people were adequately trained at the time. We
24 did not have the opportunity to demonstrate that.
25 We did demonstrate that this year.

1 Q. And I believe another deficiency
2 cited, it was failure of certain sirens to sound
3 in Orange County. Has that deficiency been
4 corrected?

5 A. (Witness Schmer) We have conducted
6 one test on our own in the county, and during the
7 exercise, all the sirens did go off. In both
8 cases it was 100 percent success.

9 Q. Mr. Scalpi, with reference to the
10 FEMA post-exercise assessment, do you recall there
11 being contained in that document some criticism
12 that you did not have an assistant to help you in
13 carrying out your tasks?

14 A. (Witness Scalpi) Yes, sir.

15 Q. Has that deficiency been remedied
16 since the exercise?

17 A. (Witness Scalpi) Yes, sir.

18 Q. How has that been done?

19 A. I named the county personnel officer,
20 deputy director of civil defense and trained him
21 in that position. Since that time, we have got
22 another assistant radiological officer, and he's
23 trained in the position.

24 Q. Mr. Scalpi, do you recall another
25 criticism cited by FEMA as being a need to clarify

1 the excessive dose allowance that would be
2 permitted for emergency workers in Putnam County?

3 A. (Witness Scalpi) No, I don't recall
4 that unless you are talking about the new rule
5 where the county executive has to give permission
6 for somebody to stay in the EPZ if they have got
7 three REM or more.

8 Q. That's correct.

9 A. (Witness Scalpi) Yes, sir. We have a
10 regular form made out for that now that he has to
11 use.

12 Q. Have any personnel other than the one
13 that you just mentioned, Mr Scalpi, or, Mr. Schmer,
14 been hired recently, either on a full or part time
15 basis to assist you in radiological emergency
16 planning?

17 A. (Witness Schmer) Yes. We indicated
18 to the state that because of the voluminous amount
19 of work in this planning process and training
20 process that we would like to hire a person, and
21 the state provided the funds for us to hire a
22 person on a contractual or consultant basis.

23 We have hired a head of one of the
24 local hospitals' radiological department to assist
25 us in this training and planning process.

1 Q. Gentlemen, in line with the Board's
2 directive to me after the lunch to assure a little
3 bit more focus and fairness here, I'm going to ask
4 Miss Rosenson to hand to each of you an excerpt
5 from the Board's February 7 order which contains
6 the contentions in this proceeding, which are the
7 issues that have been proposed by the Intervenors
8 for litigation.

9 I have additional copies if any of
10 the other parties would like. I don't believe
11 there's any need to mark it, but I would be so
12 willing if the Board would like.

13 What I would like to do, gentlemen, is to
14 go down the contentions one by one, and there
15 aren't that many of them, and simply get your
16 position as to whether the contentions are correct
17 or not and the basis for your conclusion.

18 JUDGE PARIS: Are these relating to
19 questions three and four?

20 MR. PICKUS: Yes, your Honor, just
21 questions three and four.

22 Q. Turning first to the page labeled
23 Appendix, which is the second page of the document
24 that you were just handed, contention 3.1 states "Emergency
25 planning for Indian Point Units 2 and 3 is

1 inadequate in that the present plans do not meet
2 any of the 16 mandatory standards of 10 C.F.R.
3 50.47(b) nor do they meet the standards of
4 Appendix E to 10 C.F.R. Part 50."

5 Are you gentlemen familiar with the
6 standards of 10 C.F.R. that are listed in that
7 contention?

8 A. (Witness Schmer) I couldn't recite
9 them verbatim now but do I know that we have gone
10 through them and addressed them. If you want to
11 ask specifics questions on any one of them I would
12 be more than glad to answer them.

13 Q. What I will do is ask Miss Rosenson
14 again to give each of you gentlemen a document
15 which an excerpt from 10 C.F.R. containing the 16
16 planning standards of subsection (b). You'll see
17 on the right-hand column underneath (b) there are
18 a number of paragraphs starting 1, 2 and
19 continuing to the end.

20 Number 16, I'm wondering if you could
21 just read through those and tell me whether there
22 are any of those standards with which your county
23 is not in compliance. Some of them, I understand,
24 relate only to onsite organizations. So obviously
25 you wouldn't have to address those.

1 A. (Witness Scalpi) Is this out of 0654?

2 Q. No, sir. It is out of the regulatory
3 basis for 0654. They are essentially the same
4 standards contained in 0654, but 0654 is a
5 regulatory guide that's based on those. 0654 is
6 much more detailed and specific.

7 A. (Witness Scalpi) I'd have to read
8 this in depth before I could give you an answer on
9 this. I'd have to take a little more time.

10 Q. Perhaps we can do it this way,
11 gentlemen. Are you familiar with NUREG-0654

12 A. (Witnesses responded.) Yes.

13 Q. Are you aware of any planning
14 standards contained in NUREG-0654 with which you
15 are not in compliance?

16 A. (Witness Schmer) No. We are in
17 compliance with all of them.

18 MR. SCALPI: None that I know of.

19 Q. Moving onto contention 3.2. "The
20 emergency plans for Indian Point Units 2 and 3 do
21 not conform with NRC FEMA guidelines because the
22 assumptions made therein with respect to human
23 response factors during a radiological emergency
24 are erroneous. Hence, the estimates of evacuation
25 times and of the feasibility of timely evacuation

1 for certain areas are incorrect."

2 Would you gentlemen each give me your
3 position on that contention.

4 A. (Witness Schmer) I believe I alluded
5 to that before. If all responders, all players
6 involving in a plan, regardless of what type of
7 plan it is, are intimately familiar with the plan
8 and the public understands their role in the plan,
9 I see no major problems with it.

10 There may be confusion at the onset,
11 but if leadership exerts itself and as the
12 scenario unfolds, as people have been trained, I
13 see no problems. I believe it will work.

14 Q. Mr. Schmer, do you believe that the
15 emergency workers who are designated in your
16 Radiological Emergency Response Plan will respond?

17 A. (Witness Schmer) Yes.

18 Q. Mr. Scalpi, can you answer that
19 question, please?

20 A. (Witness Scalpi) Well, when they
21 asked about human guidelines and stuff like this,
22 I think it's facetious, really. People do respond.
23 They respond the way they are trained. I have
24 noticed that my whole life. Of all the evacuation
25 plans, of all the evacuations they have had

1 without plans and stuff, they always seem to work
2 pretty good.

3 I don't see where you could say that
4 there's going to be a human element here that's
5 not going to do this, because the history shows us
6 different. Back to Noah's Ark, they had an
7 evacuation then. They did pretty damn good.

8 Q. Do you believe that in your
9 experience, Mr Scalpi, that your own personnel
10 will respond if you so call upon them?

11 A. (Witness Scalpi) Absolutely. I'll
12 tell you this: In order to strengthen that
13 question, that answer, that for every person we
14 need, we must have five trained, I think. We have
15 got an awful lot of people trained.

16 Q. Have either of you ever seen an
17 emergency situation in which your emergency
18 workers have either failed to respond or abandoned
19 their duties?

20 A. (Witness Schmer) No. We have had
21 three radiological incidents in our jurisdiction
22 over the past year and a half. I'm sure you are
23 all familiar with the tremendous floods and ice
24 flooding that we had in Port Gervis two years ago.
25 We have had a number of chemical accidents and the

1 emergency workers responded to that.

2 Again, if an individual, an emergency
3 worker and in our county -- it's primarily a
4 volunteer county. If these people will respond,
5 where you could lose your life right on the spot,
6 if they would respond to that, I see no problem
7 with them responding to a radiological emergency.

8 Q. Mr. Scalpi, would you like to answer
9 that question?

10 A. (Witness Scalpi) Well, my point of
11 view is when people volunteer to do something, 99
12 percent of the times, they'll carry it out. Maybe
13 if we are talking about paid workers, there might
14 be a different viewpoint. People volunteered to
15 do these things and the reason why they
16 volunteered is they want to do these things.

17 In likely chances they are going to
18 do what they volunteered for.

19 Q. Moving onto contention 3. On page
20 two of the document that I gave you reads "The
21 present estimates of evacuation times, based on
22 NUREG-0654 and studies by CONSAD Research
23 Corporation and by Parsons, Brinkerhoff, Quade &
24 Douglas, Inc.,, are unreliable. They are based on
25 unproven assumptions, utilize unverified

1 methodologies and do not reflect the actual
2 emergency plans."

3 First of all, let me ask, are you
4 gentlemen each familiar with the evacuation time
5 estimates prepared by Parsons Brinkerhoff for your
6 respective counties?

7 A. (Witness Schmer) Yes.

8 Q. Mr. Scalpi?

9 A. (Witness Scalpi) Yes..

10 Q. Do you agree with those evacuation
11 time estimates?

12 A. (Witness Scalpi) I think they are
13 extremely high. I think the evacuation could take
14 place in much less time.

15 MR. SCHMER: I think it's right at
16 the ballpark in our county as evidenced by the
17 lack of planning that we have had for Indian Point
18 with reference to the ceremonies for the hostage
19 release about a year and a half ago.

20 We had people converge on the town of
21 Highlands-West Point Area in Orange County that
22 far exceed what we would expect to have on our
23 roads in the type of scenario we are addressing
24 today.

25 Traffic moves smoothly when there are

1 problems on the road. The police did there their
2 thing. The roads were cleared and traffic kept
3 moving. We didn't experience any problems that
4 couldn't be handled.

5 Q. Contention 3.4, "The administrative
6 control of notification procedures at Indian Point
7 Units 2 and 3 is so deficient that the Licensees
8 cannot be depended on to notify the proper
9 authorities of an emergency promptly and
10 accurately enough to assure effective response."

11 Gentlemen, are you among the persons
12 that are to be notified by the Licensees in the
13 event of a radiological emergency?

14 A. (Witness Schmer) Yes.

15 Q. Do you believe the Licensees can be
16 depended upon to give you the appropriate
17 notification?

18 A. (Witness Schmer) I can only answer
19 that question based on history. Initially at the
20 early stage of this thing, there were certain
21 unusual incidents that took place whereby local
22 jurisdictions were not informed. I find out later
23 at a hearing up in Albany that this was within
24 agreement that the utilities had with the NRC and
25 this was appropriate.

1 Because some of the counties viewed
2 this with a jaundiced eye, they taken just the
3 opposite viewpoint. I get phone calls -- I
4 don't know for some reason or another unusual
5 events start after Friday night after 5:00. They
6 usually take place 2:00 or 3:00 on a Saturday or
7 Sunday morning.

8 We get notified for any unusual event. If
9 a worker gets a sliver in his eye that has nothing
10 to do with the radiation, we get notified.

11 So based on the response that we are
12 getting now, I have to assume that they would be
13 honest with us.

14 Q. Mr. Scalpi, do you believe that the
15 Licensees can be depended upon to notify you
16 promptly?

17 A. (Witness Scalpi) Yes. I wished they
18 would put the person on the telephone call list
19 that said that contention, that they didn't do it.
20 I wish they'd put him on the telephone call list,
21 like Phil says, that we answer a lot of telephone
22 calls both home and at work.

23 Q. Contention 3.6. "The emergency plans
24 and proposed protective action does not adequately
25 take into account the full range of meteorological

1 conditions for Indian Point Units 2 and 3."

2 Do you have a position on that
3 contention?

4 A. (Witness Schmer) I just don't
5 understand that. I believe we do. I'm not a
6 nuclear physicist. I'm not a scientist. I have
7 to depend on these people for input.

8 Based on my own, I believe that we do
9 take these things into account. In fact, the
10 utilities have put a computer into my facility
11 whereby any day, week or night, we can literally
12 put our computer on and read what's coming off
13 their computers.

14 The information is available to us
15 any day and night.

16 JUDGE SHON: If you'll excuse me.

17 MR. PICKUS: Certainly.

18 JUDGE SHON: How about a much more
19 direct and less esoteric meeting for
20 meteorological conditions such as what if it's
21 snowing or there's a flood or a blizzard or
22 something like that.

23 MR. SCHMER: Then I would have less
24 to worry about, sir. We would get what we would
25 call -- we are talking war time nuclear activity. If

1 a plume is coming over and there's a rain,
2 someplace between Indian Point and my county, it
3 would be taken down to the ground.

4 JUDGE SHON: I'm afraid we missed it
5 again. I'm not talking about the effect on
6 atmospheric disperse which I don't expect you to
7 be an expert in, but the effect on people who
8 might want to evacuate and whether they could do
9 so at all before any plume even got to them in a
10 snowstorm, in other words, will the evacuation
11 plans also work in the snowstorm?

12 MR. SCHMER: Yes, sir. We believe
13 the time tables indicate this. We have an
14 agreement with our own Department of Public Works
15 and we have an agreement with the Department of
16 Transportation of the State of New York. In the
17 event of an accident or incident at Indian Point
18 all the resources from the county and the state
19 would be sent down to our counties to assist us in
20 making sure that the roads are kept open.

21 JUDGE GLEASON: Go ahead.

22 Q. Mr. Scalpi, would you like to --

23 MR. SCALPI: My answer is the same.

24 Q. Contention 3.7 on page eight, "The
25 problems of evacuating children from threatened

1 areas have not been adequately addressed in the
2 present emergency plans."

3 Either or both of you gentlemen have
4 a position on that contention?

5 A. (Witness Schmer) If they could be a
6 little more specific, perhaps I could answer
7 specifically. I believe this has been addressed
8 adequately, more than adequately.

9 Q. Mr. Scalpi?

10 A. (Witness Scalpi) Same way, there's
11 not a specific answer to what you are saying here.

12 Q. Let me perhaps ask you gentlemen some
13 more specific questions and that might assist you
14 and the Board.

15 MR. SCHMER: All right.

16 Q. Were you aware of a new procedure
17 that was recently adopted for evacuating schools
18 in the event of a radiological emergency?

19 A. (Witness Scalpi) You say a "new
20 procedure". That existed in the plan, has existed
21 in the plan since the plan was written.

22 Q. Could you tell us first what you are
23 talking about, Mr. Scalpi?

24 A. (Witness Scalpi) We are talking
25 evacuation of children from the schools.

1 Q. Yes.

2 A. (Witness Scalpi) That's what we are
3 talking about.

4 Q. I understand there was a recent
5 change in the plan providing for early dismissal.

6 A. (Witness Schmer) Yes, okay. At the
7 early yes stages of a radiological --

8 MR. SCALPI: That's always been in
9 the plan. That was an option that the county
10 executed. I just researched that a day or so ago.
11 The county executed the option of sending the
12 children home earlier. That's in the plan.

13 Q. Do you gentlemen approve of this
14 procedure?

15 A. (Witness Schmer) Yes, I do.

16 MR. SCALPI: Certainly do.

17 Q. Do you believe it will work in the
18 event there is an emergency to assure the safety
19 of the children?

20 A. (Witness Schmer) Well, more
21 importantly than my agreeing that it would work,
22 if we sat down with the school officials in Orange
23 County and they felt that this was the best
24 scenario to follow. In other words, if a
25 situation developed and the children had not come

1 to school, they would put a plan into effect
2 similar to a snow day. The children would not go
3 to school.

4 If a scenario developed while in
5 school, all outside activities would immediately
6 cease and the plan would be put into effect
7 whereby the children would be sent home.

8 Q. Finish your answer.

9 A. (Witness Schmer) Such as what's --
10 which is a common occurrence. There are many
11 things that caused this throughout the course of a
12 school year, loss of heat, loss of water. We even
13 had a school in Orange County this past winter
14 that had the roof caved in and they went home
15 early. The plan was put into effect. It's not an
16 uncommon thing.

17 Q. Do you know how many times within the
18 past, let's say, five years that the early
19 dismissal plan has been used in Orange County?

20 A. (Witness Schmer) No. I couldn't give
21 you a number, but I would -- I put this question
22 to the superintendent of the schools in Orange
23 County, and she asked me, "Well, what would you
24 consider an uncommon as versus a common occurrence?"
25 I couldn't come up with an answer on that.

1 This woman indicated to me that it is
2 more common than realized. Children are sent
3 home -- that children are sent home from school.

4 Q. In your opinion has this happened
5 more than 20 times in the past five years?

6 A. (Witness Schmer) I would say at a
7 guess -- it would have to be a guess -- it would
8 be a good ballpark figure.

9 A. Either of you gentlemen ever
10 attempted to evacuate or early-dismiss a school
11 population during an exercise?

12 A. (Witness Schmer) We haven't -- we
13 do not check evacuation by actually evacuating.
14 What we do is we insure that the people who are
15 responsible for this down to the lowest level
16 understand their roles and we put a scenario into
17 place, when we get responses back from these
18 people. We evaluate the steps that they are taken
19 and in this last exercise we had no idea which
20 evacuation routes FEMA wanted us to run.

21 They during the course of the
22 exercise made a decision to run a particular
23 evacuation route. I believe they chose two and
24 the transportation officer demonstrated -- I
25 understand very effectively -- that this could be

1 done.

2 Q. Mr. Scalpi, has Putnam County ever
3 exercised the school dismissal plan?

4 A. (Witness Scalpi) Last year, when I
5 done a lot of extra things in the drill, I wanted
6 to exercise a lot of other things besides what the
7 scenario had down, and I evacuated one load of
8 school kids from their school in Putnam valley up
9 to Dutchess County, and we decontaminated them and
10 gave them lunch and sent them back.

11 They were a very, very happy bunch of
12 kids. The only thing, when the deal was all over
13 with I had a hell of a hard time coming up with
14 100 dollars to pay the school buses. So this year
15 I wasn't too anxious to do a lot of extra things.

16 Last year, I also, I turned my whole
17 staff over at noon and brought in a whole new
18 staff in the EOC. That's when I got caught with
19 no civil defense director assistant and no
20 radiological officer assistant. If I hadn't done
21 that I would have come out perfect in the drill.
22 So this year here I didn't do too many extra
23 things.

24 JUDGE PARIS: Your eagerness will get
25 you in trouble every time.

1 Q. Do you place a heavy emphasis on the
2 use of Dutchess County facilities as reception
3 centers in the event of a radiological emergency?

4 A. (Witness Scalpi) Yes. We use Dutchess
5 County. We don't have any reception centers at
6 all in Putnam County in the plan. Most of our
7 places are congregate care centers for Westchester
8 County.

9 Now, our reception centers are in
10 Beacom and in the Dutchess Mall north of Putnam
11 County into Dutchess. Yes, we rely heavily on them.

12 Q. Have you gotten cooperation from the
13 Dutchess County officials?

14 A. 100 percent.

15 Q. Mr. Schmer?

16 A. (Witness Schmer) I think maybe I made
17 a mistake in that area. Had I gone to Suffolk
18 County and asked them for the host force, that
19 would have taken a large burden off my shoulders
20 from training congregate care reception centers.

21 At the onset, as long as we met the
22 guidelines of 0654 and that reception and
23 congregate care centers have to be 15 miles from
24 Indian Point and realizing the shelter space we
25 had we elected to keep the whole concept in Orange

1 County so that we could exercise complete control.

2 We had absolutely no problems with
3 the people that we use for the reception or
4 congregate care.

5 Q. Contention 3.9, "The road system in
6 the vicinity of the Indian Point Plan is
7 inadequate for timely evacuation."

8 Do you agree with this contention?

9 A. (Witness Schmer) Not too familiar
10 with the roads in the vicinity of Indian Point. I
11 think the roads in Orange County, running those
12 roads will indicate that the time factors used in
13 our evacuation plan are pretty accurate.

14 Q. Mr. Scalpi, do you have an opinion?

15 A. (Witness Scalpi) Yes, I have an
16 opinion. I don't think the roads are adequate
17 any place for any thing.

18 Q. Contention 3.10 --

19 JUDGE GLEASON: That sports that
20 contention.

21 MR. SCALPI: Especially when my wife
22 is driving.

23 Q. You indicated earlier, though, did
24 you not Mr. Scalpi that you agreed with the
25 evacuation time estimates for your county that

1 were prepared by Parsons Brinkerhoff?

2 A. (Witness Scalpi) Yes.

3 Q. Contention 3.10 -- we ought to get
4 him together with Mr. Brooker who complained about
5 his wife watching TV.

6 Contention 3.10, "The Emergency Plan
7 fails to confirm to NUREG-0654 in that contrary to
8 Evaluation Criteria II.J.10.d., proper means for
9 protecting persons whose mobility may be impaired
10 have not been developed. Specifically, adequate
11 provisions have not been made for groups named in
12 the bases submitted for the following contention:"

13 Then they list some contentions.
14 Without going through those particular contentions,
15 let's extend the contention to include anybody who
16 may have trouble leaving an area without
17 assistance whether they be deaf, blind, injured,
18 handicapped, some other infirmity. Would you tell
19 me what your county's position is on that
20 contention?

21 A. (Witness Schmer) I'm not nieve enough
22 to feel that there may be somebody in that
23 ten-mile EPZ that's informed or needs assistance
24 that we are not aware of. Let me tell you what
25 we have done.

1 No. 1, using the cards on the
2 brochures that are handed out, people responded
3 sending those in indicated they need help. We
4 have gone to the local police people. We have
5 gone to the local utility companies who are
6 usually aware if somebody is on any life support
7 equipment. We have gone to the local ambulance
8 corps. They are usually aware of people, you know,
9 in this category, and every name that we have come
10 up with, these people have been contacted at least
11 twice, one by telephone to discuss with them the
12 nature of their problem and the type of help they
13 need; and once this has been established, we put
14 it into a plan.

15 These people have then been contacted
16 by letter informing them of just how they would be
17 picked up. We have special bus routes for this.
18 We have special buses, you know, handicapped type
19 buses used for this. For every person that we are
20 aware of that needs this type of assistance, we
21 made arrangements for them to be picked up. This
22 is ongoing. We will continually searching for
23 people who need this help so we can include them
24 with this; but as we become aware, we certainly
25 include them in this plan.

1 Q. What else are you doing --

2 JUDGE PARIS: May I have a quick
3 follow up?

4 Mr. Schmei, do you happen to
5 remember the number of such people that you have
6 in the EPZ in Orange County?

7 MR. SCHMER: Approximately 20, 22
8 right now, sir.

9 JUDGE PARIS: How about in Putnam
10 County?

11 MR. SCALPI: I have 80 altogether
12 that need transportation. I have five handicapped
13 that have to be picked up with a special bus with
14 a lift on it, and I have one person that has to be
15 picked up by ambulance. That changes everyday,
16 your Honor. You know, some people die and some
17 more come on the list. It's a very, very moving
18 list there. I think I had 20 changes in the past
19 year.

20 JUDGE PARIS: Now, the 80 that
21 require transportation includes some people who
22 just are not physically impaired but need rides;
23 is that it?

24 MR. SCALPI: That's right.

25 JUDGE PARIS: Does your 22 include

1 these kinds of people?

2 MR. SCHMER: No. I was referring
3 just to impaired people that need help. We
4 have -- I forget exactly what you call it. We
5 have a number of buses that run the EPZ picking up
6 people that do not have transportation. These
7 lists we have gotten again from local police
8 people, local officials.

9 JUDGE PARIS: You got 22 physically
10 impaired and you have got how many physically
11 impaired?

12 MR. SCALPI: Well --

13 JUDGE PARIS: The five plus the --

14 MR. SCALPI: I don't know.
15 Physically impaired that 80 might go into that,
16 too, they have some problem, either arthritis and
17 they can't move too good. They might not be able
18 to walk to the bus stop where we have a bus
19 actually going to.

20 A lot of times we get one of the
21 cards filled out by a daughter who works in New
22 York and her mother is in the country. When we
23 check and find out the mother lives alone, and the
24 daughter is worried about the mother but probably
25 not worried enough to get her and get her the hell

1 out of there. So they leave that up to us. We
2 check and the mother is all right. The mother can
3 go to the bus stop, but the daughter, you know, to
4 do her thing, writes us this card, fills this card
5 out. It works but it's hell of a lot of work to
6 do these cards.

7 JUDGE PARIS: Mr. Pickus, are you
8 getting Mr. Scapi to tell us what he's done with
9 the cards?

10 MR. PICKUS: Yes, I'm going to ask
11 both of them who has the cards.

12 JUDGE GLEASON: I would like to know
13 what the population is in both your counties just
14 within the EPZ

15 MR. SCHMER: 23, 24 thousand, sir.

16 MR. SCALPI: 19 thousand for mine,
17 sir.

18 JUDGE GLEASON: And are you saying
19 that on the 22 out of 23,000 would be physically
20 handicapped and would require transportation?

21 MR. SCHMER: That's what we have, sir.

22 JUDGE GLEASON: And you only a 80.

23 MR. SCALPI: I'd say I got about 80,
24 you know, moving this thing all the time. But
25 most of our information comes from the cards or

1 from the Office of the Aging where we verify what
2 kind of -- what's wrong with these people, you
3 know, what I mean? A lot of times we get a card
4 filled out and the card has no meaning. It says "I
5 need transportation." So we check back, we talk
6 to the person. First time, like Phil says on the
7 telephone. Then we even go to the point of making
8 a call to see how handicapped this person is. I
9 do have one particular problem at this time is I
10 have a deaf person, a deaf person and we are
11 working on what to do with this. That's the only
12 thing I'm stymied with right now. The rest of
13 them we can take care of.

14 Q. Mr. Schmer, you indicate that you
15 have an ongoing effort to try to reach these
16 people. What else have you done other than used
17 the post cards on the brochure to try to reach
18 people who might need help or further information?

19 A. (Witness Schmer) As I indicated we
20 make this clear when we give our slide
21 presentation in the local jurisdictions. We
22 contacted the local police chiefs, the ambulance
23 people and the utility companies who are usually
24 aware of infired.

25 Q. Have you made any effort to place ads

1 in newspapers or telephones books or --

2 A. (Witness Schmer) Yes, yes we did.
3 About six months ago we ran ads in three or four
4 of the local newspapers seeking this type of
5 information, and we got a tremendous response, but
6 in analyzing it, we found out that 95 percent of
7 the response came from people living outside the
8 EPZ.

9 So we sent them a letter telling them
10 that we received their card and are aware of that
11 they are outside the EPZ.

12 Q. Who actually has the custody of the
13 special needs cards in Orange County?

14 A. (Witness Schmer) I do. The
15 information on these cards is also in the hands of
16 our transportation officer.

17 Q. Are you aware that there's a toll
18 free number for assistance concerning radiological
19 emergency planning contained in the brochure
20 that's been distributed?

21 A. (Witness Schmer) Intimately familiar.
22 It's right in back of my head.

23 Q. Who answers the phone in Orange
24 County when they dial that toll free number?

25 A. (Witness Schmer) I do. If I'm not in

1 the room, my secretary does or if she's not there,
2 one of the other full-time people.

3 Q. Mr. Scalpi, let's turn to you. What
4 kind of arrangements have you made with respect to
5 the mobility-impaired or otherwise handicapped
6 people in the Putnam County portion of the EPZ?

7 A. (Witness Scalpi) We have them all
8 listed in my office, and we have the cards all
9 separated, and each different group that needs
10 different kinds of transportation is separated,
11 and each month we have to check on this list to
12 make sure that they are still there. We have to
13 go by the cards that come in on who needs the
14 service. So we keep -- this is a hot thing we
15 keep going all the time.

16 Q. Have you made any additional efforts
17 besides the distribution of the brochure to try to
18 reach people in your county regarding assistance?

19 A. (Witness Scalpi) Yes. We had an ad
20 in the paper. We had an ad in the paper, and we
21 are -- most of our incapacitated people are
22 elderly, and the Office of the Aging has a ready
23 list of them.

24 Q. Who answers the toll free number
25 contained in the brochure in Putnam County?

1 A. (Witness Scalpi) My secretary.

2 Q. Mr. Schmer, do you believe that you
3 have enough buses available to respond to those
4 groups listed in contention 3.10?

5 A. (Witness Schmer) Yes.

6 Q. And do you believe --

7 A. (Witness Schmer) In addition, if I
8 may, I'd like to point out, I'm not familiar with
9 the details of this, but our county did get a
10 grant from the federal government to purchase
11 these types of buses for different jurisdictions
12 within the county, but it's under county control,
13 and when I become aware of this, I discussed this
14 with the county exec, and he directed the person
15 that works up the contracts to have a statement in
16 the contract indicating that in the event of any
17 emergencies, these buses will be utilized by the
18 Emergency Services in Orange County for these types
19 of missions.

20 JUDGE GLEASON: This is a community
21 document?

22 MR. SCHMER: I believe it is, sir I
23 really don't know. I'm just aware that we have
24 these buses.

25 JUDGE PARIS: Do the buses come with

1 drivers?

2 MR. SCHMER: I don't believe so.

3 JUDGE PARIS: Where are you going to
4 get the drivers?

5 MR. SCHMER: I could find out, sir.
6 I don't have the answer to that question.

7 JUDGE PARIS: Does someone have the
8 answer to that question?

9 MR. SCHMER: I could make a phone
10 call and find out.

11 JUDGE PARIS: I just want to know if
12 someone has drivers that they can produce if you
13 need them this afternoon.

14 MR. SCHMER: I'm sorry. I thought
15 you were talking the new buses that will be coming
16 in. In our plan we have local bus companies that
17 have the drivers for these buses. They are on
18 board now in. We have been conducting training
19 for these people over the last year, year and a
20 half, teaching them the symmetry, a little bit
21 about radiation, how to protect themselves in a
22 radiation environment, this type of thing.

23 So this has been an ongoing thing
24 with our bus drivers in the county for a better
25 year.

1 Q. Do you believe that those drivers
2 would respond if you had to call on them in a
3 radiological emergency?

4 A. (Witness Schmer) Well the
5 indications are in the class room discussions that
6 we have with this that once they become aware of
7 the threat and just what the threat is, that there
8 seems to be no doubt that they will respond.

9 Q. Mr. Scalpi, do you believe that you
10 have sufficient bus capability in Putnam County to
11 fulfill your county's obligation to the mobility-
12 impaired and otherwise handicapped people?

13 A. (Witness Scalpi) Yes, sir.

14 Q. Do you believe that you have a
15 sufficient number of drivers to drive those buses
16 in the event you have to call upon them to respond?

17 A. (Witness Scalpi) Yes. I can give you
18 an example, if you want.

19 Q. Sure.

20 A. (Witness Scalpi) We have one school
21 system with 100 bus drivers, and one bus driver a
22 couple years ago said no way would the bus drivers
23 drive the bus. So I talked to the superintendent
24 of this outfit, you know, the transportation
25 superintendent of the school, and I said to him, I

1 said, "Well, you give me a hell of a lot of
2 problems here. I don't know what to do."

3 He says "That's just one person."

4 I said, "Why don't you ask for
5 volunteers and see how many people you can get to
6 drive the bus?" He did that and I think about 88
7 said they would drive the bus, you know that's an
8 indication -- actually I'm only using seven
9 buses out of that school.

10 JUDGE PARIS: 88 out of 100 drivers
11 volunteered to drive a bus?

12 MR. SCALPI: Yes, sir, but when the
13 news media, when the news media picked this up,
14 they only picked up this one person. They didn't
15 research it very well.

16 Q. Mr. Schmer, we have heard some
17 testimony in this proceeding about a new
18 transportation study that has either been done or
19 is being done in Orange County. Has there, in
20 fact, such a study that's been done?

21 A. (Witness Schmer) Yes. Part of that
22 money that I indicated to you was received in
23 Orange County was done for this. We hired a
24 transportation group to do this, and what they did
25 was they went into a little bit more detail than

1 we had in our transportation portion of the plan,
2 little corrections, some of the maps that we used
3 initially were wrong. I'm talking about
4 commercial type maps. They met with the local
5 police people in the jurisdictions, made those
6 little corrections that had to be made, published
7 strip maps, worked out and tied in the towing
8 companies, refueling and maintenance, et cetera,
9 to make sure that these things would be taken care
10 of on the evacuation routes. I feel very
11 comfortable with what they have done.

12 Q. Are you aware of whether this study
13 may be used in other counties in the Indian Point
14 EPZ?

15 A. (Witness Schmer) I honestly don't
16 know. I believe -- this is just conjecture on
17 my part. I heard that Westchester County is
18 looking to have a study like this and that they
19 have received bids from two or three such
20 organizations, but I really don't know what's
21 going on in other jurisdictions.

22 Q. Contention 4.1, the plume exposure
23 pathway EPZ should be expanded from its present
24 10-mile radius in order to meet local emergency
25 needs and capabilities as they are affected by

1 such conditions as demography, topography, land
2 characteristics, access routes and jurisdictional
3 boundaries.

4 Do either of you gentlemen have a
5 position on this contention?

6 A. (Witness Schmer) Again, not being a
7 scientist or nuclear physicist -- Lord knows I
8 don't think I know how to spell it so I depend on
9 these people for their inputs, but I have read at
10 least two realistic estimates of consequences of
11 nuclear accidents. These are studies that were
12 done by research groups. Their indications are
13 that the EPZ should be reduced.

14 In fact, I have personally seen an
15 in-house recommendation from one NRC
16 representative to another recommending that the
17 ten-mile EPZ be reduced to five miles. So I don't
18 know how to respond to that, other than to --

19 Q. Let me --

20 JUDGE GLEASON: I really don't know
21 the relevancy of this witness's testimony in terms
22 of questions under question four.

23 MR. PICKUS: Let me ask him more
24 specific question, your Honor.

25 JUDGE GLEASON: Yes, I wish you would

1 really, we -- we have been going for quite a
2 while. We got to get cross-examination.

3 MR. PICKUS: I understand that, Judge,
4 and there are only a few more contentions left.

5 Q. Did you participate in designing the
6 EPZ, as it now exists in Orange County?

7 A. (Witness Schmer) Well, the basic
8 guidelines for the EPZ is a federal regulation.
9 However, the -- it reads on or about ten miles, so
10 we made some minor changes. In other words, you
11 don't want an EPZ to go directly through a
12 jurisdiction. People on one side of the street
13 may be uncomfortable if people on the other side
14 of the street are being evacuated. So what we
15 have done is we have either included or excluded
16 jurisdiction area, this sort of thing to put
17 peoples' minds at ease.

18 In addition, the thruway is was right
19 on the border of the ten-mile EPZ so we utilized
20 the eastern portion of the thruway as the border
21 line for the EPZ in that area so that the thruway
22 could be utilized for evacuation routes, which
23 would enhance evacuation.

24 Q. Do you believe in designing the EPZ
25 for Orange County, then, you took these five or

1 six factors such as demography, topography, land
2 characteristics into account?

3 A. (Witness Schmer) Oh, yes.

4 Q. Mr. Scalpi, did you participate in
5 actually drawing the line around the EPZ in Putnam
6 County?

7 A. (Witness Scalpi) Yes, we did.

8 Q. Did you take these factors into
9 account?

10 A. (Witness Scalpi) Yes, we did.

11 Q. Contention 4.2, the following
12 specific feasible offsite procedures should be
13 taken to protect the public. A, potassium iodide
14 should be provided in an appropriate form for all
15 residents in the EPZ. Do either of you have a
16 position on that?

17 A. (Witness Schmer) I feel that the
18 state's position is correct in that the potassium
19 iodid should be provided for emergency workers
20 only.

21 Q. Do you have a basis for that? Have
22 you done any research of your own?

23 A. (Witness Schmer) Yes. I attended a
24 three day seminar at Brook Haven National Labs
25 about three years ago and the scientists that

1 presented the program in giving their technical
2 reasons for their findings, this was their
3 opinions.

4 Q. Mr. Scalpi, do you have any position
5 on potassium iodide?

6 A. (Witness Scalpi) No, I don't have an
7 learned opinion on that. I go by the state's
8 rules on it.

9 Q. B, adequate sheltering capability
10 should be provided for all residents in the EPZ.
11 Let me ask your positions on that particular
12 contention.

13 A. (Witness Schmer) If the type of
14 releases we can expect are those that are in the
15 federal guidelines that we have and you analyze
16 the type of structures that we have in the EPZ and
17 the protection factors involved, I believe it's
18 adequate if the people are trained properly, such
19 as in the summer, turning off air conditioners,
20 this type of thing. So I believe that the shelter
21 capacity in the existing structures are adequate.

22 Q. Have you actually done a sheltering
23 study in your county?

24 A. (Witness Scalpi) Well --

25 MR. SCHMER: Well, we had the Army

1 engineers do it but it took about two years. It
2 was more war related aspects which have a much
3 higher potential for radiation releases than this.
4 So the facilities exist.

5 Q. Mr. Scalpi, do you have a position on
6 that?

7 A. (Witness Scalpi) Well, I feel like
8 Phil does, that a home in a basement in a home, in
9 a closet, under a table is adequate for this
10 particular thing, because I don't think you would
11 want to use one of our fallout shelters. We have
12 fallout shelters too. I don't think you'd want to
13 use them for something like this, because they are
14 as scarey as war.

15 MR. PICKUS Will the Board forgive me
16 if I skip sub C since it's not something that
17 these gentlemen would know be knowledgeable of?

18 JUDGE GLEASON: Is that a facetious
19 comment Mr. Pickus?

20 MR. PICKUS: No. It's very sincere.

21 JUDGE GLEASON: I see.

22 MR. PICKUS: I'm trying to be
23 inclusive so it doesn't look like I'm being
24 selective but I figure I might as well skip C
25 because it deals with onsite license conditions.

1 Q. D, the roadway network should be
2 upgraded to permit successful evacuation of all
3 residents in the EPZ's before the plume arrival
4 time. Have a position on that?

5 A. (Witness Schmer) What do they mean by
6 upgraded.

7 Q. Well, I can't put words in their
8 mouth, Mr. Schmer, but I presume -- let me ask
9 you this question: Do you believe that the
10 roadway network is sufficient right now to sustain
11 the evacuation travel time estimates that are
12 presently contained in the plan?

13 A. (Witness Schmer) Well, the estimates
14 were based on the roadway conditions as they exist. If
15 as time goes on the roads are improved, made wider
16 new roadways put in, this would, you know, cut
17 down the time it would take to evacuate, but the
18 estimates are based on the road network as it
19 presently exists.

20 Q. Mr. Scalpi, do you have a position?

21 A. (Witness Scalpi) Well, I feel the
22 same as I said before, all roads could use
23 improvement. I guess that's why the president is
24 putting a nickel a gallon on gas tax on gas
25 association he can do better by the roads, so all

1 the roads in the US need improvement. Do I think
2 they could use these for evacuation, yes, I do.

3 Q. Incidentally, are either of you aware
4 of any road improvements that are planned for your
5 counties within the EPZ?

6 A. (Witness Schmer) Not off the top of
7 my head, no.

8 MR. SCALPI: Route 9, Route 9 down by
9 Peekskill, they are doing a lot of widening down
10 there. They have improved that road considerably.
11 There's quite a few roads on schedule for being
12 done in Putnam County. At the beginning of this
13 year, we have the distinction of having one of the
14 ten worst roads in the US in Putnam County.
15 That's 301. They are going to start working on
16 that the first part of this year.

17 Q. Contention 4.7, the Emergency Plan
18 should be upgraded to provide more adequate
19 methods for alerting and informing persons who are
20 deaf, blind, too young to understand the
21 instructions or who do not speak English.

22 Do either of you gentlemen have a
23 position on this?

24 A. (Witness Schmer) I would like to make
25 that all inclusive, any Emergency Plan or director,

1 anything you want to call them who indicates that
2 they got the plan, the cats meow that this is
3 going to solve all our problems is a fool. The
4 plan is never perfect. It's always undergoing
5 improvement. This is why I test them. You are
6 always going to find, you know, something in the
7 plan that needs improving. It's an ongoing
8 process. To plan an Emergency Plan is never
9 completed. You just have to be honest in that,
10 you know, with that feeling and run your tests
11 subportions of the plan, run your overall plan at
12 least once a year and seek out these weak points
13 and improve on them.

14 Q. Mr. Scalpi, do you have a position on
15 that contention?

16 A. (Witness Scalpi) Well, this
17 particular plan, I think is something special.
18 Just before I come down here this morning to get a
19 few thoughts, I went through my diary for this
20 year and last year, and I don't think a day goes
21 by in the office where we are not involved in some
22 part of this plan, some part of working on this
23 plan or somebody calling us up or working with the
24 utility or working with somebody, almost on a
25 daily basis we have something to do with this plan,

1 which I think is outstanding, you know.

2 So I haven't looked at my war plan in
3 two years. Maybe I'll have the luxury of getting
4 back to that, you know, after these hearings.

5 Q. Mr. Schmer, do you believe that you
6 now have the capability to protect the citizens of
7 Orange County in the event that there's a
8 radiological emergency at Indian Point?

9 A. (Witness Schmer) I do. I believe
10 that we have the capability of protecting people
11 for radiological incidence in Orange County much
12 better than we do for other type of disasters that
13 happen more often. There are people being mamed
14 and killed almost daily in this country in
15 chemical accidents and I think that we can respond
16 much more effectively to a radiation incident
17 because of the effort that's put into this.

18 Q. Mr. Scalpi, do you believe that you
19 have the capability today to protect the health
20 and safety of the population of Putnam County in
21 the event that there might be a radiological
22 incident at the Indian Points Plants?

23 A. (Witness Scalpi) I do.

24 MR. PICKUS: Judge, I have no further
25 questions of these witnesses. They are available

1 for cross-examination.

2 JUDGE GLEASON: What have you got
3 your hand up for, Mr. Brandenburg?

4 MS. FLEISHER: Your Honor --

5 JUDGE GLEASON: Excuse me.

6 MR. BRANDENBURG: These are not
7 witnesses of Con Edison, Mr. Chairman. They are
8 here as witnesses of the Power Authority. Based
9 from the answers I have heard, I have three
10 questions that have not been asked.

11 JUDGE GLEASON: Make them very brief
12 because you are taking a long time.

13 MS. FLEISHER: I want to make a
14 motion to strike the questions that Mr. Pickus has
15 asked on the basis of No. 3 and No. 4, because of
16 the fact that these gentlemen are not experts. I
17 would contend that Mr. Scurti, Mr. Holland, Mr.
18 Kralik and so forth from other counties were
19 experts but you ruled in the last when we objected
20 at Mr. Drs. Dynes and Lecker were on, that their
21 testimony was expert and they have background to
22 sustain their expertise. You have asked -- Mr.
23 Pickus has asked these men about things like
24 sheltering which they have no expertise in. I
25 think that unless their testimony is taken in that

1 vein, that it should be stricken because we have
2 had to sit here and listen to their opinions,
3 their hearsay, and if Mr. Brandenburg pursues it
4 further will take even more time and I'm asking
5 now that you move to strike the testimony that Mr.
6 Pickus asked them on Questions 3 and 4.

7 JUDGE GLEASON: Well, we have to deny
8 your motion, Mrs. Fleisher. You are going to have
9 an opportunity to cross-examine them, and these
10 people are in charge of emergency planning for
11 their two counties, and they are entitled to talk
12 with respect to what the plans are and what their
13 opinions are with respect to the plans.

14 MS. FLEISHER: Your Honor, I didn't
15 ask to strike all their testimony only that that
16 Mr. Pickus asked them about Questions 3 and 4.

17 JUDGE GLEASON: I understand that. .

18 MR. BRANDENBURG: I'll be very
19 brief, Mr. Chairman.

20 JUDGE GLEASON: I might say further,
21 Mrs. Fleisher, that this Board is capable of
22 weighing the testimony of the witnesses.

23 MS. FLEISHER: I understand.

24 CROSS-EXAMINATION

25 BY MR. BRANDENBURG:

1 Q. Gentlemen, in your earlier answers
2 there were numerous references to training that
3 your radiological emergency response personnel
4 have received in your respective counties. I was
5 wondering if you could give us some overview of it.
6 How many workers, how many hours of training and
7 some description of the nature of the training,
8 something of that sort.

9 A. (Witness Schmer) Are you talking, sir,
10 about our team, our radiological monitoring team
11 or the training given to local fire police
12 ambulance?

13 Q. All of it. Give us some overview of
14 it.

15 JUDGE GLEASON: Sir, speak into the
16 microphone because you are really answering his
17 question but you are answering to us and the
18 reporter.

19 MR. SCHMER: Sorry.

20 A. (Witness Schmer) With reference to
21 the counties radiological response operations team,
22 my people undergo training almost every Wednesday
23 evening of the year. In addition, these, the
24 preponderance of these people have received
25 resident courses of instruction as I indicated at

1 the Lowell University Radiological Schools, the
2 State Radiological Schools and the Federal
3 Government's Radiological Schools at Emmitsburg,
4 Maryland. You probably know it as dose assessment
5 and the Radiological Emergency Response Operations
6 training at the Las Vegas nuclear test sites.

7 Q. How about people that would be
8 firemen, policemen, things of that sort that would
9 be called upon to respond in the event of a
10 radiological accident?

11 A. (Witness Schmer) Right. We conduct a
12 minimum of two 16 hour courses per year for these
13 types of people. When we get involved in a
14 specific training. We give them what we call a
15 normal eight hour course of instruction. We
16 usually, when the chief asks how much training do
17 we need, my question to him is how proficient do
18 you want to become? The more proficient you want
19 to become, the more training we will give you. We
20 get into training whereby we even give written
21 examinations and those that pass written
22 examinations would get practical examinations with
23 the radiological equipment and radiation.

24 We use could 60 for this.

25 JUDGE GLEASON: How many people have

1 gone through your 16 hour course?

2 MR. SCHMER: Since I'm on board, I
3 would say a minimum of 100 a year for eight years,
4 sir.

5 Q. Mr. Scalpi, could you give us some
6 overview of the number and quality of people who
7 have been trained, the nature of their training
8 and the number of people who have been trained in
9 your county?

10 A. (Witness Scalpi) I'd say in the past
11 six months we have trained about 500 people, in
12 all different aspects, like Phil says,
13 radiological, fire and rescue Here is my training
14 matrix for the past three months. It's -- if
15 you would like to have that. I think it explains
16 what I have done.

17 MR. BRANDENBURG: Mr. --

18 MR. PICKUS: The Power Authority
19 would be happy to offer it as an exhibit, your
20 Honor, if the Board would like.

21 JUDGE GLEASON: I don't know whether
22 the Board would like it because the Board can't
23 see it. If you want to offer it -- identify it
24 and offer it, we'll take a look at it.

25 Q. Mr. Scalpi you said 500 people in the

1 past six months. Since the new radiological
2 Emergency Plan went into affect going back about
3 two years or so, how many people in Putnam County
4 have received radiological emergency response
5 training?

6 A. Radiological, I'd say about 150, 160.

7 Q. Approximately how many hours has the
8 period of curriculum on the subject of radiation?

9 A. Average?

10 Q. Yes.

11 A. (Witness Scalpi) 16. .

12 Q. You gentlemen are aware, I believe,
13 that under the Radiological Emergency Response
14 Plans for your respective counties, the county has
15 called upon to perform dose assessment and field
16 monitoring; is that correct?

17 A. (Witness Schmer) Yes, sir.

18 Q. Mr. Schmer, starting with you, could
19 you characterize for us your county's capability
20 to perform the dose assessment and field
21 monitoring required by the plant?

22 A. (Witness Schmer) Let me just say this.
23 I think my people are equally as qualified as the
24 monitoring team used by the utilities. These are
25 the people that I indicated train every Wednesday

1 night. We have running training for them every
2 Wednesday night. These are the people that we
3 have sent off to these resident courses of
4 instruction. I'm not talking about the people we
5 trained in the local jurisdictions, you know, to
6 respond to their type of missions, but our
7 radiological monitors. It's an ongoing
8 instruction year round.

9 Q. Mr. Scalpi, could you characterize
10 for us the Putnam County's dose assessment and
11 field monitoring capabilities?

12 A. (Witness Scalpi) I have pretty much
13 the same as Phil. I have got a radiological
14 officer who is a physics teacher, in Highland
15 Central School, and he took a sabbatical four years
16 ago and went to Lowell Mass and done the nuclear
17 study. Then he spent the summer in Brook Haven
18 lab. He's my radiological officer which the state
19 give me \$10,000 for for a part time job.

20 I also have another physics teacher
21 as his assistant who has background in nuclear and
22 biological and they run our teams and I think I
23 said something about the teams before, they are
24 out of my RACES group. And they are the field
25 monitors. I have 25 of them under training all

1 the time, and out of that, I pick three teams of
2 four to go out and do my radiological monitoring.

3 Q. I have one last question, gentlemen,
4 that relates to money. I think in your earlier
5 answers you referred to both the Chapter 708 money
6 that is provided by state law for radiological
7 emergency planning purposes. I would like to ask
8 you to only answer with respect to the Nonchapter
9 708 money, that is money that has been given to
10 your respective counties for radiological
11 emergency planning that is outside the Chapter 708
12 process and ask you if you can tell us that each
13 of your counties has received in Nonchapter 708
14 money and for what purpose those monies have been
15 expended.

16 A. (Witness Schmer) I didn't get monies
17 per se. We got it in the form of equipment and
18 aid. I couldn't give you a figure. I just don't
19 know the prices of this equipment. I wish I
20 earned it every year. This computer, very
21 elaborate computer, this has got to go for quite a
22 bit of money. A telex machine whereby you put a
23 letter in it and receive it someplace else, within
24 20 seconds, we have a 20 second telex machine and
25 a two -- an one minute telex machines at our

1 disposal.

2 The communications systems, the
3 telephone -- additional telephones that they
4 have given us in the EOC in addition to two
5 radiological kits, I would estimate based on the
6 equipment that I have purchased recently, each one
7 of these kits has got to be worth six or seven
8 thousand dollars. So although I couldn't give you
9 a dollar figure there's a lot of money tied up in
10 the equipment that they have given us.

11 Q. Mr. Scalpi, could you tell us either
12 the money or the equipment that Putnam County has
13 received extrensic to the chapter 708 funds that
14 you received?

15 A. (Witness Scalpi) Whatever Phil said,
16 including they give me \$30,000 for an assistant at
17 the beginning of the year, to contract for a year
18 to work with me, to work for me, hope to work with
19 me, and I understand that they are going to do
20 that next year, so that \$30,000 plus the slide
21 show that they give us, offhand, I'd say they give
22 us \$100,000 outside of 708 money.

23 MR. BRANDENBURG: That's all I have,
24 Mr. Chairman.

25 JUDGE GLEASON: All right. Mrs.

1 Fleisher?

2 MS. FLEISHER: Thank you, sir. I
3 believe the gentlemen know me and need no
4 introduction; is that right?

5 JUDGE GLEASON: I might say that, Ms.
6 Potterfield, if you would like to do some
7 cross-examination, I will allow you an opportunity
8 after Mrs. Fleisher gets through.

9 MS. POTTERFIELD: That you. Miss
10 Posner will be doing some. Thank you, your Honor.

11 JUDGE GLEASON: Go ahead Mrs.
12 Fleisher.

13 CROSS-EXAMINATION

14 BY MRS. FLEISHER:

15 Q. My questions will be addressed to Mr.
16 Schmer only and in view of the fact that we have a
17 short time, Mr Schmer, let's see if we can't be as
18 concise as possible, please. If the plan for
19 Orange County under schools, Appendix H, page 1, I
20 don't think you need to look to it to answer my
21 question, Highland Central School District, the
22 middle school and the high school, wouldn't you
23 say they had the largest population of school
24 enrollment in your EP2?

25 A. (Witness Schmer) Mrs. Fleisher they

1 are not in the EPZ.

2 Q. I was just going to ask that because
3 it says here the distance from the plants is ten
4 miles. All right. Well, then, the next is the
5 Central Valley ES. It says, elementary school,
6 right, that says 9.75 from the plant. Do you
7 consider it in the EPZ?

8 A. (Witness Schmer) Central Valley High
9 School?

10 Q. Elementary School.

11 A. (Witness Schmer) I don't believe
12 that's in the EPZ.

13 Q. Well, then --

14 MR. PICKUS: Judge, could I just --

15 MS. FLEISHER: Excuse me, sir, we are
16 getting down to what schools are in the EPZ, Mr.
17 Schmer. Highland Falls Central School District, 7
18 it says here, miles.

19 JUDGE GLEASON: That's in the EPZ

20 MR. PICKUS: I'm sorry. I just want
21 to establish which document Miss Fleisher is
22 reading from. I don't believe that it's the
23 latest version of the Orange County Emergency Plan,
24 and I would prefer her to at least show it to the
25 witness so that he can identify it.

1 MS. FLEISHER: No, sir it's not
2 necessary to take up my time because first of all
3 I got it out of the box right over there. If it's
4 not the latest then somebody has been remissent in
5 not giving the judges the latest one.

6 Secondly I'm only trying to establish
7 in Mr. Schmer's answering what schools are in the
8 EPZ.

9 MR. PICKUS: Judge, with all due
10 respect I'm not trying to use up the witness's
11 time? The box that you took it from is a Power
12 Authority box, and if that is in fact the box that
13 you took it from, then it is not the latest
14 version of the Emergency Plan. I simply want to
15 establish that on the record. I'm not trying to
16 take it out of your time.

17 MS. FLEISHER: It doesn't matter, Mr.
18 Pickus, because I'm trying to only to ask what
19 schools are in the EPZ. I have no other list. I
20 was unprepared today because I didn't know what I
21 was coming up.

22 MR. PICKUS: Judge, all I want is for
23 the witness to identify the document.

24 MS. FLEISHER: I have identified it.

25 JUDGE GLEASON: Would you identify it

1 Mrs. Fleisher?

2 MS. FLEISHER: It's called the Orange
3 County are ERP and it's on page 81 as I said
4 before.

5 Q. Mr. Schmer?

6 JUDGE GLEASON: Mrs. Fleisher, what
7 is the date of the document?

8 MS. FLEISHER: Well, this says August
9 8, '81.

10 JUDGE GLEASON: All right. Now ask
11 your question.

12 Q. Mr. Schmer, how many schools are in
13 the ten-mile EPZ?

14 A. (Witness Schmer) I couldn't say
15 offhand without referring to my --

16 Q. Let me read you some and tell me if
17 they are. The nursery school of Highlands route
18 is within the Montgomery. Isn't that in the EPZ?

19 A. I don't believe we have a nursery
20 school in our --

21 Q. Well, then that's one less. Right.
22 Okay. The private school called Sacred Heart of
23 Jesus Elementary School in Highland Falls. Is
24 that in the EPZ?

25 A. (Witness Schmer) It's in the Highland

1 Falls; it should be in the EPZ.

2 Q. Then we have James O'Neill High
3 School in Highland Falls?

4 A. (Witness Schmer) I believe that's in
5 the EPZ.

6 Q. We have the Highland Falls Middle
7 School in Highland Falls and we have the Highland
8 Falls Elementary School. From what you have told
9 me, there are five schools, four schools in the
10 EPZ and the total is two, five, is less than 1,200
11 students. Do the buses stay at the schools all
12 day long waiting for the students to go home?

13 A. (Witness Schmer) No, they do not.

14 Q. Do the drivers take the buses away
15 after they have delivered the children?

16 A. (Witness Schmer) Yes, they do.

17 Q. When would one find those buses and
18 drivers in the middle of the day if something
19 happens?

20 A. (Witness Schmer) I couldn't say
21 offhand. Do I know that West Point Tours and
22 the other bus companies that supply the buses for
23 the schools have radios in the buses, and we have
24 been insured -- in fact, we have letters of
25 agreement being signed on these now that if these

1 buses are needed either during other than school
2 hours or during school hours, they would be made
3 readily available to respond to the schools.

4 Q. Do you have letters assuring you of
5 that?

6 A. (Witness Schmer) We had put together
7 a letter that the county attorney wasn't happy
8 with, so he's rewriting the letter of agreement.
9 It should be ready this week, hopefully by next
10 week, at which time the bus companies will sign
11 these letters of agreement.

12 Q. And do you have any agreements for
13 the drivers?

14 A. (Witness Schmer) No, other than the
15 insurance he is of the owners of the bus companies
16 and meeting with the bus drivers themselves on an
17 one to one basis.

18 Q. When you gave the total population in
19 the EPZ in Orange County, were you including West
20 Point?

21 A. (Witness Schmer) Negative. West
22 Point has their own plan for Indian Point. Many
23 of them --

24 Q. Just a minute, sir. I asked you --
25 I'm aware of that.

1 MR. PICKUS: Judge --

2 Q. -- if that included West Point in
3 population number. I didn't ask you whether or
4 not they had a plan.

5 A. (Witness Schmer) If you wanted a
6 truthful answer, let me try -- I can't answer
7 that yes or no. Many of the people that work at
8 West Point live in the EPZ so they would be
9 included. Many of the people that are at West
10 Point do not live in the EPZ and would leave West
11 Point or the EPZ after their normal workday.

12 Q. The institution known as West Point
13 Academy, what population is it?

14 A. (Witness Schmer) 12 thousand.

15 Q. Did you include that in the figure of
16 the your population for the EPZ?

17 A. (Witness Schmer) Negative.

18 Q. No. Okay. They have their own plan?

19 A. (Witness Schmer) Yes, ma'am.

20 Q. You are in no way responsible for
21 what they do?

22 A. (Witness Schmer) We work together.
23 I mean it would be rather futile to have them
24 leave West Point and have them hit Orange counties
25 roads without us doing what they are doing so

1 there's a tremendous amount of cooperation,
2 coordination going on with West Point. In fact
3 the liason officer is in our EOC during exercises
4 and during planning sessions.

5 Q. In the section G of this same exhibit,
6 volume one of the REPG, if one adds up the sectors
7 of populations, we do not get the figure you have
8 given by far. Would you say that those need
9 correction too or how old you research that?

10 A. (Witness Schmer) What figure do you
11 come up with?

12 Q. Well, we came up with about 6,000
13 people.

14 A. (Witness Schmer) In the EPZ?

15 Q. Yes. In the sectors, part of N and M,
16 N, P and Q.

17 A. (Witness Schmer) Well, we work in
18 terms of ERPs. Can you give me the figures in
19 terms of ERPs?

20 Q. No. I haven't had the chance to do
21 that sir. As I said I don't know what we were
22 going to be faced with today?

23 A. (Witness Schmer) Then I would
24 respectfully request that you give me time to look
25 at it.

1 Q. Let's pass onto the next question if
2 we may. Does the Dayliner nonstop unload people
3 on tours through West Point?

4 A. (Witness Schmer) Yes, they do at Bear
5 Mount State Park.

6 Q. How many people --

7 A. (Witness Schmer) I believe --

8 Q. -- might be on a tour at one time?

9 A. (Witness Schmer) I believe the figure
10 for the largest one would be 3,000, if my memory
11 service me correctly.

12 Q. What provisions -- the boat doesn't
13 wait there, does it?

14 A. (Witness Schmer) No. It goes up to
15 another dock.

16 Q. What provisions would you have for
17 caring for those 3,000 people if something should
18 occur while the boat had left?

19 A. (Witness Schmer) The new
20 transportation plan that we have completed
21 addresses this. If we went into a scenario
22 whereby we had to evacuate, the boat would be
23 brought back to the dock. The people would be
24 evacuated. Now, dependent upon when it is in the
25 scenario, we are assuming the worst case scenario

1 and the coast guard would would not permit the
2 Board to head south towards New York City. The
3 nearest port for that boat would be in the
4 vicinity of Albany. The boat would be docked up
5 in Albany and the people would be sent to
6 reception congregate care centers.

7 Q. They would be sent where?

8 A. (Witness Schmer) To reception and
9 congregate care centers.

10 Q. How?

11 A. (Witness Schmer) What do you mean?

12 Q. By bus?

13 A. (Witness Schmer) Yes, ma'am, which
14 would be taken care of up in the area of Albany.

15 Q. Could you do that within 30 minutes?

16 A. (Witness Schmer) I don't see the rush.
17 Are you talking about up in Albany? I don't see
18 the need for doing this in 30 minutes.

19 Q. Well, you said that you could meet
20 50.47 and NUREG-0654. Indeed there is such a
21 requirement. Now, let's see.

22 MR. PICKUS: Object, Judge.

23 MR. SCHMER: Now I understand her
24 question. I'm sorry. I misunderstood you. You
25 mean you are talking evacuating the Emergency

1 Planning zone. I believe those would be the
2 people that would fall into that small percentage
3 that would take more than the 15 minutes to alert.
4 We can alert those people and notify those people
5 well within 15 minutes. There's no problem with
6 that, utilizing State Police, helicopters with
7 loud speakers and civil air patrol planes.

8 Q. Just a minute, sir. That isn't what
9 I asked.

10 MR. PICKUS: I object to Mrs.
11 Fleisher interrupting the witness.

12 MS. FLEISHER: I asked him to be
13 concise and he's not answering my question. I
14 asked him the question. Could the company remove
15 those people in 30 minutes. He's now telling me
16 about the notification. I did not ask him about
17 that.

18 JUDGE GLEASON: Mrs. Fleisher, what
19 is your 30 minutes based on?

20 MRS. FLEISHER: The 30 minutes is
21 based on a notification of 30 minutes.

22 JUDGE GLEASON: That's the
23 notification time. That's not the evacuation time.

24 MR. SCHMER: That's correct.

25 MS. FLEISHER: Well, your Honor, I

1 think it's presumed that if people know they have
2 to move in 30 minutes, that they are -- that
3 notification is not in itself sufficient. I'm not
4 going to argue.

5 JUDGE GLEASON: Mrs. Fleisher, it's
6 not a question of arguing. It's a question of
7 keeping the record straight. You are implying
8 from your question that people have to evacuate
9 within 30 minutes. And that is not a factual
10 statement. That is not a factual matter.

11 MS. FLEISHER: Your Honor, I'm going
12 to find it and bring it up later then because I
13 have it. As I say I'm the most unprepared I have
14 ever been in my life. I think this is an
15 intolerable situation but I'm trying to make the
16 best of it. May I go forward. Let's drop this
17 one.

18 JUDGE GLEASON: All right.

19 Q. In the hospitals that you have, are
20 there any in the EPZ?

21 A. (Witness Schmer) In the EPZ? I
22 don't believe so.

23 Q. You have Highland, Horten and you
24 said something about three earlier. Is there a
25 third hospital?

1 A. (Witness Schmer) Cornwall. Yes,
2 that's not in the EPZ.

3 Q. How many beds are expressly set aside
4 for the decontamination of persons who might have
5 been contaminated?

6 A. (Witness Schmer) You are asking me a
7 question now and I could see us getting into a
8 long discertation on this. Let me answer your
9 question this way: The hospitals in Orange County
10 can handle much more radiation victims than they
11 can trauma victims from buses and truck accidents.
12 Would that suffice?

13 Q. No, it doesn't. Tell me how many
14 beds.

15 A. (Witness Schmer) I couldn't give you
16 an exact figure.

17 Q. Because I need to have it separated
18 beds from other areas if they have contaminated
19 individuals, is that not so?

20 A. (Witness Schmer) Yes, that would be
21 so.

22 Q. All right. Why don't you know, Mr.
23 Schmer?

24 MR. PICKUS: Judge, I'm going to
25 object to that question.

1 JUDGE GLEASON: I think it's a
2 question.

3 MR. SCHMER: Let me answer.

4 JUDGE GLEASON: Mrs. Fleisher, let me
5 rule on the objections. Now, if you want to take
6 over the entire proceeding, well, you can't do it.
7 That's all. The objection is denied. The witness
8 can respond to the question. Why don't you know?

9 MR. SCHMER: I really didn't bother
10 to go into this in too much detail, your Honor,
11 because the little research I did on this. I could
12 not find one hospital in the continental United
13 States and I have written to hospitals from coast
14 to coast and I have all this correspondance. I
15 could not one find one hospital in the United
16 States that on more than one occasion has treated
17 radiation victims.

18 Q. Mr. Schmer, have you asked at Good
19 Samaritan Hospital in Suffolk?

20 A. (Witness Schmer) I don't believe I
21 have. It's Good Samaritan in Suffolk? I don't
22 believe I have, no.

23 Q. Are you aware that there are and have
24 been radiation accidents at Union Carbide that
25 have been treated?

1 A. (Witness Schmer) No, I'm not.

2 Q. What plans do you have to check for
3 contamination of individuals?

4 A. (Witness Schmer) Pardon?

5 Q. How would you check whether or not
6 some individuals were contaminated during an
7 evacuation?

8 A. (Witness Schmer) Our procedure calls
9 for people to leave the EPZ and report to
10 reception centers. At the reception centers, we
11 have our trained radiological monitors checking
12 these people as they go into the reception centers.

13 Q. Have you done this in a drill?

14 A. Yes, we have.

15 Q. How many people could you process per
16 hour?

17 A. It would be dependent upon the
18 scenario. If we had to evacuate all the EPZs in
19 the area, then we would call in all our
20 radiological monitors. I believe we can handle
21 anybody that would be evacuated.

22 Q. What number would that be?

23 A. (Witness Schmer) I believe I gave you
24 the figure. We had approximately 24 thousand
25 people in the EPZ.

1 Q. Do you know how long it takes to
2 monitor one person with the county?

3 A. (Witness Schmer) If you do it
4 effectively and properly, three to four minutes.

5 Q. And how many thousands of people then
6 would it take in how many hours?

7 A. (Witness Schmer) Well, let me ask
8 you this question. Do you really believe that
9 these 24 thousand people would all report to
10 reception centers in Orange County?

11 Q. Sir --

12 A. (Witness Schmer) You know, we deal
13 and we are trying to be very logical in you know
14 operating a real world. I believe we have the
15 monitors trained that would handle the people that
16 would come up from the EPZ and require this
17 monitoring.

18 Q. You say you could, sir. I'm asking
19 you if you have.

20 A. (Witness Schmer) Yes. In fact, we
21 have trained far and an above what the scientists
22 have indicated could conceivably happen.

23 Q. Do you have any silver zeolite
24 filters?

25 A. (Witness Schmer) Yes.

1 Q. How many do you have, Mr. Schmer?

2 A. (Witness Schmer) We have zeolite
3 filters for every piece of equipment that would be
4 used for radiological monitoring.

5 Q. That would be for each -- you would
6 have a complete set for each team?

7 A. (Witness Schmer) Yes, and I might add
8 as considerable cost, about 11 hundred dollar per
9 kit.

10 Q. Have they protective clothing?

11 A. (Witness Schmer) Yes.

12 Q. Do you have clothing to give out to
13 persons who might be --

14 A. (Witness Schmer) Yes.

15 Q. Or at least plans for it?

16 A. (Witness Schmer) Yes.

17 Q. Route 17 M, is that four lanes wide?

18 A. (Witness Schmer) 17M is a four lane
19 highway, yes.

20 Q. It's limited access highway, is it
21 not?

22 A. What do you mean by limited access.

23 Q. Well, not every driveway comes out
24 into it. It has --

25 A. (Witness Schmer) I think you'll find

1 that the majority --

2 Q. Access roads it to?

3 A. (Witness Schmer) I think you'll find
4 that most of the roads in the EPZ would lead to
5 17M, yes.

6 Q. Route 9W, is how long how wide?

7 A. (Witness Schmer) I believe that's two
8 lanes.

9 Q. Are there parts that are in the EPZ?

10 A. Pardon?

11 Q. No four lane parts in the EPZ's like
12 around West Point?

13 A. (Witness Schmer) No, not in the
14 vicinity.

15 Q. Cornwall all two lanes?

16 A. (Witness Schmer) No.

17 Q. Has an island down the middle?

18 A. (Witness Schmer) Yes.

19 Q. And Route 17 West, is that a four
20 lanes?

21 A. (Witness Schmer) 17 West?

22 Q. Yes?

23 A. (Witness Schmer) Is two lanes.

24 Q. When does it become wider?

25 A. Pardon?

1 Q. When does it widen?

2 A. (Witness Schmer) Well, it is four
3 -- it has two lanes west and two lanes east.

4 Q. So I would consider that -- I'm
5 asking you, it's a four lane road then, is it not?

6 A. (Witness Schmer) Yes.

7 Q. All right. Can the Orange County
8 Police communicate by radio directly with the
9 Rockland Police?

10 A. (Witness Schmer) I really cannot
11 answer that question in that I don't know how many
12 of the local police departments can do this. I do
13 know that a number of the county police
14 departments are on this new State Police MRD
15 system.

16 Q. Can they all contact each other
17 within Orange County?

18 A. (Witness Schmer) Through our
19 communication center, Yes.

20 Q. That means they can't contact
21 directly; is that right?

22 A. (Witness Schmer) I don't believe all
23 can communicate directly with each other, no.

24 Q. Did you notice the time that's given
25 for the evacuation from the EPZ which would be in

1 Appendix A in the RERP?

2 A. (Witness Schmer) I'm sorry. I didn't
3 hear your question.

4 Q. Have you seen the times under
5 different scenarios for the evacuation?

6 A. (Witness Schmer) Yes.

7 Q. Can you explain to me why it would
8 take ten hours to evacuate from your EPZ any place
9 in view of the fact that you have just stated that
10 there are good roads and you have all these buses?

11 A. (Witness Schmer) I don't have the
12 comfort of having the plan in front of me. Ten
13 hours, I believe, is excessive. I believe you are
14 looking at the worst case scenario. We have taken
15 it into consideration, some rather heavy
16 situations, snowstorms in the winter, football
17 games at West Point on a Saturday or a Sunday.

18 Q. Just a minute and I'll refresh your
19 memory with those.

20 JUDGE PARIS: What are you looking at,
21 Mrs. Fleisher?

22 JUDGE GLEASON: What page is that?

23 MR. SCHMER: This is page 62.

24 MS. FLEISHER: It's Appendix A in
25 volume one, and it's the last few pages in --

1 JUDGE PARIS: It's the --

2 MRS. FLEISHER: I'm sorry, sir. I'll
3 give you the book in a second. He's seen it and
4 I'll give it back to you. I guess we live with
5 it, so I expected everyone to know it. Just a
6 minute.

7 MR. SCHMER: I believe, Mrs. Fleisher,
8 read me the --

9 MS. FLEISHER: Would you take his
10 book so we can look at the same book?

11 MR. SCHMER: Yes. Let me have it.

12 MR. PICKUS: Taking all my books,
13 Judge.

14 MR. SCHMER: I'm sorry.

15 MR. PICKUS: Better get the Grand
16 Jury back here.

17 MR. SCHMER: I believe Mrs. Fleisher
18 is reading the tables wrong, your Honor. For
19 instance, the particular one she pointed out to me
20 does not say 12 hours 20 minutes to evacuate.
21 It's from 7.15 to 12.20.

22 MS. FLEISHER: Yes, you are right.
23 I'm sorry. I made a mistake.

24 Q. Why would it even take that long? 7
25 to 12 is five hours.

1 A. (Witness Schmer) Why would it --

2 Q. We are talking about school not in
3 session. We are talking about normal weather
4 conditions?

5 A. (Witness Schmer) I really don't
6 understand your question.

7 Q. When you made corrections in the plan
8 to suit Orange County you didn't make any
9 corrections did you in table A-4?

10 A. (Witness Schmer) I don't believe so.

11 Q. Mr. Schmer, now that you have seen it,
12 do you think you could improve on table A-4?

13 A. (Witness Schmer) Well, you seem to
14 be upset because it's taking so long. This was an
15 honest evaluation of the road system and the time
16 that it would take to evacuate those people. If
17 it would make you happier to make it a lesser
18 amount of hours, I don't think I could do this and
19 be honest.

20 JUDGE SHON: Mrs. Fleisher, if I can
21 interject myself for just a moment here. I think
22 that the table you are referring to I haven't seen
23 it exactly but these tables, as I recall them, are
24 tables that show what were the calculated
25 evacuation times that Parsons Brinkerhoff produced

1 for these areas. They are not tables that
2 specified a particular time by which a thing must
3 be evacuated. I think Orange County itself would
4 have had no input into that or would you?

5 MR. SCHMER: Well, other than having
6 our own transportation officer run the routes and
7 working with Parsons Brinkerhoff on this, we were
8 in total agreement of what these tables, what
9 Parsons Brinkerhoff produced.

10 JUDGE SHON: One of the questions
11 Mrs. Fleisher asked suggested to me she thought
12 you specified this must be evacuated in this
13 amount of hours.

14 MR. SCHMER: No.

15 MS. FLEISHER: Your Honor, those
16 tables mean something though. The times are upper
17 bound and lower bound and they give an indication
18 of the time that the person is supposed to be able
19 to be removed from the particular area in
20 particular conditions. I don't think that they
21 are there for no reason at all. All right.

22 JUDGE SHON: I might also say that
23 these tables -- they are all constructed alike.
24 I was looking at one just last week. This one
25 hasn't got the same numbers in because it's not in

1 the same ERP but the footnotes all say the same
2 things.

3 First of all, the two numbers that
4 are given for example 7.30 and 12.35 are not times
5 of day. They are numbers of hours.

6 MR. SCHMER: That's hours, that's
7 correct, sir.

8 JUDGE SHON: As you assumed they are
9 to begin with.

10 MS. FLEISHER: I believe I asked him
11 that. I said why was it five hours difference.

12 JUDGE GLEASON: Okay. Let him go on,
13 Mrs. Fleisher.

14 JUDGE SHON: Secondly, if you look at
15 footnote one, it says the upper bound evacuation
16 times are representative of the situation where
17 capacity restrictions adversely affect traffic
18 flow of mode stational operational readiness a low
19 degree of cooperation with the public occurs.
20 What they are saying is that the reason it took 12
21 hours, which I think Mr. Schmer is not the man to
22 elucidate, but the reason it took so many hours
23 was because they felt so many things might go
24 wrong, but that isn't something he normally would
25 know nor would I.

1 It is simply suggested by a footnote,
2 Mrs. Fleisher.

3 MS. FLEISHER: If you take that same
4 chart and look at the crowded EPZ, such as we have
5 in Rockland, you'll find that the hours are the
6 same. What I'm trying to suggest here and trying
7 to prove is that Mr. Schmer has an EPZ that has
8 ideal conditions with wide roads and very little
9 population and very little school population and,
10 yet, to unload the people out of the EPZ those
11 times though appear to be the same.

12 I want to know why he didn't have any
13 input into that to correct it.

14 JUDGE SHON: I don't believe he
15 calculated it to begin with.

16 MS. FLEISHER: I'm saying he didn't
17 but he said he's made many changes in the book and
18 in the plan.

19 MR. SCHMER: Not in -- the only way
20 I can answer that, Mrs. Fleisher, is we have
21 Parsons Brinkerhoff has experts in this area. The
22 county has experts in this area. They work
23 together on this things and those are the figures
24 they came up with.

25 JUDGE GLEASON: In other words, your

1 own people validated.

2 MR. SCHMER: Yes, sir.

3 JUDGE GLEASON: Your own experts
4 validated from Parsons Brinkerhoff came up with.

5 MR. SCHMER: Yes, sir. Our people
6 did go down to One Penn Plaza and spend some time
7 at Parsons Brinkerhoff going over these figures
8 with these figures.

9 JUDGE GLEASON: Then they tested the
10 road themselves.

11 MR. SCHMER: Yes, sir.

12 JUDGE GLEASON: All right, Mrs.
13 Fleisher.

14 Q. Mr. Schmer, I believe you said that
15 you received \$70,000 above and beyond the amount
16 that the utilities are obliged by 708 to give to
17 you. Then you added that you also have received
18 goods and services that are not measured by money;
19 is that correct?

20 A. (Witness Schmer) No, ma'am, I did not
21 say that.

22 Q. What did you say?

23 A. (Witness Schmer) I said that we had
24 received about \$70,000 to buy us that hardware and
25 planning for our plan and in addition to this, the

1 utilities gave us equipment such as computers,
2 telephones, telex machines above and beyond that
3 which was required by 708.

4 Q. Is it your impression that 708
5 requires each utility to provide 250 thousand
6 dollars annually to a general fund by the state?

7 A. (Witness Schmer) Well, I understand
8 there is some formula in place. I'm not really
9 that familiar with it. I understand that's a
10 close ballpark figure. I concern myself primarily
11 with analyzing my county needs, determining what I
12 need to put my plan into place or to enhance my
13 plan, and these are the figures I'm primarily
14 concerned with.

15 Q. Mr. Schmer, why was it necessary for
16 you to have a subpoena to appear here today?

17 A. (Witness Schmer) I couldn't answer
18 that question. I have no idea.

19 Q. Had you been asked to come to testify
20 voluntarily?

21 A. (Witness Schmer) Other than that
22 subpoena, no.

23 Q. Does the subpoena provide you with
24 any methods of recompense or selecting expenses to
25 arrive here today that you would not have

1 otherwise have had?

2 A. (Witness Schmer) No.

3 Q. Mr. Schmer, I want to ask you some
4 questions about the people in the park. Some part
5 of the parks are in your EPZ; are they not?

6 A. (Witness Schmer) Yes.

7 Q. Have you included them when you gave
8 us the population figure?

9 A. (Witness Schmer) Yes.

10 Q. What amount of people would you say
11 would be in a park on a Sunday in the summer?

12 A. (Witness Schmer) I couldn't bring
13 that figure to the floor at this time. We do have
14 some estimates on how many people would be in the
15 park on a given nice day in the summertime. I
16 just don't recall offhand what they are.

17 Q. Would it be your duties in anyway to
18 help to remove those people if an accident
19 occurred?

20 A. (Witness Schmer) We worked with them
21 very closely with the officials from the Park
22 Commission and with the State Police in that area,
23 yes.

24 Q. And who would provide the vehicles;
25 do you know?

1 A. (Witness Schmer). Yes. We have a
2 transportation group in the county that would
3 provide vehicles. That same transportation group
4 has offered to provide vehicles to Rockland County.

5 Q. How could it provide to both.

6 MR. PICKUS: Object to the form of
7 the question. Excuse me, Mr Schmer, object to the
8 form of the question. It assumes facts not in
9 evidence

10 Q. Are you aware, Mr. Schmer, that the
11 same group that gave your county a study is giving
12 Rockland County a study?

13 A. (Witness Schmer) No, I'm not. Are we
14 talking the same thing? We can have a group that
15 gave us a study. Is this the same group that is
16 providing the buses?

17 Q. Both, yes, or at least were able to
18 provide some buses.

19 A. (Witness Schmer) Well --

20 Q. It's a group of amalgamated bus
21 drivers, as it were, bus companies as it were that
22 has offered to assist your county and others?

23 A. (Witness Schmer) I do know that we
24 have the buses committed to us that we would need
25 to put our, you know, plan into functioning.

(No page 12,184.)

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1 Q. And you don't know how many buses?

2 A. (Witness Schmer) Well, I can tell you
3 offhand that we would need approximately 45 buses
4 to evacuate, if all the schools had to be
5 evacuated. We would need somewhat less if partial
6 schools had to be evacuated.

7 Q. I am talking about the parks.

8 A. (Witness Schmer) I couldn't say
9 offhand how many buses we would need.

10 Q. Mr. Schmer, do you have any posters
11 or signs in public buildings advising people what
12 to do if they --

13 A. (Witness Schmer) Yes.

14 Q. Do you have any signs in the phone
15 books?

16 A. (Witness Schmer) In phone books?

17 Q. I mean any pages of instruction in
18 the phone books.

19 A. (Witness Schmer) I don't believe so.

20 Q. Do you have any signs in the public
21 parks advising people what to do?

22 A. (Witness Schmer) Yes, we do.

23 Q. Where are they placed?

24 A. (Witness Schmer) I couldn't tell you
25 offhand but I have a listing in my office of

1 places that we put signs up throughout the 10 mile
2 EPZ.

3 Q. Are those permanent type signs in the
4 parks?

5 A. (Witness Schmer) I don't think you
6 could consider them permanent in that they are
7 rather heavy duty paper, but I don't know if you
8 would consider those permanent, no.

9 Q. And do you have any institutions in
10 your EPZ for the deaf, dumb or blind?

11 A. (Witness Schmer) No, ma'am.

12 MS. FLEISHER: That's all I have.

13 Mrs. Posner would like to ask some questions.

14 CROSS-EXAMINATION

15 BY MS. POSNER:

16 Q. Mr. Schmer, you mentioned that you
17 have been presented --

18 JUDGE GLEASON: Do the both witnesses
19 know who you are?

20 MS. POSNER: My name is Pat Posner. I
21 am asking questions for Parents Concerned About
22 Indian Point.

23 Q. You said that the slide program you
24 believe is worth or cost about \$35,000. Can you
25 tell me who prepared the slide program?

1 A. (Witness Schmer) I, myself, working
2 with -- I believe the name of the company is Dave
3 Duty from up around Oswego way someplace.

4 THE WITNESS: (Witness Scalpi)
5 Phoenix, New York.

6 THE WITNESS: (Witness Schmer)
7 Phoenix, New York, right.

8 Q. I believe Mr. Scalpi was the one who
9 mentioned a computer in the emergency operation
10 center that tapped the meteorological data from
11 the plan.

12 Did you mention that, Mr. Scalpi?

13 A. (Witness Scalpi) Yes.

14 Q. Mr. Schmer, do you have a similar
15 computer?

16 A. (Witness Schmer) Yes, ma'am.

17 Q. Is that computer able to read out
18 radiological data from the site, radiological data?

19 A. (Witness Scalpi) No, just
20 meteorological.

21 A. (Witness Schmer) We have other on
22 site or in-county permanent meters that do this,
23 that are available to us 24 hours a day.

24 Q. Now, you have your own sampling
25 methods, is that what you are saying?

1 A. (Witness Schmer) I am saying that the
2 utility has put samplers completely around, in the
3 four county areas. There are a number of these in
4 Orange County whereby we can visit these any time
5 of the day or night. They are in facilities that
6 are open 24 hours a day.

7 In addition, we have our own
8 equipment whereby we can do our own sampling.

9 Q. So Orange County has radiological
10 sampling capability?

11 A. (Witness Schmer) Yes. However, we
12 have to send this away for -- we can analyze it to
13 a certain degree, but in most cases we would send
14 this away to a lab to be analyzed.

15 Q. Mr. Scalpi, did you receive any
16 communications directly from Parents Concerned
17 about Indian Point?

18 A. (Witness Scalpi) No.

19 Q. You have never received any
20 communications directly from Parents Concerned
21 about Indian Point?

22 A. (Witness Scalpi) No.

23 Q. Can I refresh your memory and remind
24 you of a letter that was sent to you in the middle
25 part of February requesting to be observers in the

1 Putnam County EOC.

2 A. (Witness Scalpi) I stand corrected,
3 madam.

4 Q. So you did receive a letter?

5 A. (Witness Scalpi) I received a letter
6 from you asking to put two people in the EOC and
7 you said you had a Mr. Glass' permission to go
8 ahead and do this. I, as a civil defense director
9 in my county, thought first that who are you to
10 come in and evaluate me. That's what I thought at
11 first.

12 Then, second, there is no room in my
13 EOC for anybody except the people that are on the
14 staffing pattern.

15 Q. So the letter that I sent you
16 requesting permission for at least one, and not
17 more than two observers in the Putnam County EOC,
18 is that correct?

19 A. (Witness Scalpi) I don't want to say
20 the letter is correct because I think you asked
21 for two people and then you wanted some runners,
22 to bring runners in there to run out to different
23 places.

24 Q. Well, since I don't have a copy of
25 the letter with me, I will have to accept your

1 characterization. As I recall, it was a request
2 for at least one and not more than two people.

3 And did you give a reply to Parents
4 Concerned about Indian Point in writing, Mr.
5 Scalpi

6 MR. PIKUS: I object to the first part
7 of that question. It was testimony. I don't
8 object to the latter part of the question.

9 JUDGE GLEASON: What was testimony?

10 MR. PIKUS: She characterized her
11 interpretation of the letter.

12 JUDGE GLEASON: She didn't say that.
13 She said that she didn't doubt his
14 characterization of the letter.

15 MR. PIKUS: It is not that important,
16 Judge. I am not going to fight over it.

17 Q. Did you respond in writing to this
18 letter, Mr. Scalpi?

19 A. No, ma'am. I considered it kind of a
20 crank letter. I never met you. I don't know who
21 you are, and you write me a letter telling me you
22 are going to put two people in there, I don't know
23 who they are.

24 I considered this a crank letter
25 because usually when people want to deal with me

1 they deal with me on a personal basis and come in
2 my EOC and talk to me.

3 Q. When I called to ask for your
4 response to the letter, what did you tell me?

5 A. (Witness Scalpi) I don't remember. I
6 was very busy at that time.

7 MS. POSNER: That's all, thank you.

8 MR. GLASS: I want to clarify one
9 thing about the letter that had been indicated.
10 The permission that was being talked about, FEMA
11 that did not grant permission. FEMA agreed,
12 according to its stipulation, they agreed they
13 would have no objection to placement of people in
14 the EOCs.

15 We also indicated we had no authority
16 to authorize people. That was the original form
17 of the stipulation.

18 JUDGE PARIS: Mr. Schmer and Mr.
19 Scalpi, I am trying to reconcile some of the
20 population figures that you have given, Mr. Schmer,
21 with some population figures that are contained in
22 the Putnam County Radiological Emergency
23 Preparedness Plan, Part 2, dated January 1983,
24 which was put into evidence by the State of New
25 York.

1 Now, I realize that population
2 numbers are based on sources, but I would like to
3 try to explore to determine which figures are more
4 accurate, the ones you gave us, Mr. Schmer, or the
5 ones in this document?

6 MR. PIKUS: Judge, I hate to interrupt.
7 With all due respect, Mr. Schmer represents Orange
8 County.

9 JUDGE PARIS: I am aware of that.

10 The Putnam County Radiological
11 Emergency Preparedness Plan, Part 2, page CD-23
12 has 1980 population estimates, totals by county
13 and it has figures for Orange County, Putnam,
14 Rockland and Westchester Counties.

15 The Orange County figure given here
16 is 18,539, and I think you said 23,000.

17 Is your figure more up-to-date? This
18 was based on 1980 population figures for Orange
19 County from the Orange County Planning Department,
20 population estimate and projections, March 1980.

21 You said 23,000 and this says 18,000.

22 THE WITNESS: (Witness Schmer) I
23 believe it is higher than 18,000, your Honor. I
24 would like to check that out with my planning
25 department and the data book that I have in my

1 office. I believe it is somewhat higher, a little
2 higher than 18,000.

3 JUDGE PARIS: You think 23,000 is more
4 accurate?

5 THE WITNESS: (Witness Schmer) I
6 believe so.

7 JUDGE PARIS: For Putnam County you
8 said 19,000?

9 THE WITNESS: (Witness Scalpi) 19,000,
10 yes.

11 JUDGE PARIS: This says 19,912, so you
12 were rounding off.

13 The figures begin for Rockland are
14 92,993 and for Westchester County 125,000.

15 I would like to ask you about West
16 Point. You said there were 12,000 people that
17 would be evacuated from the West Point area, is
18 that right?

19 THE WITNESS: (Witness Schmer) It
20 depends on the scenario. Portions of West Point,
21 if we went into an alert status, the way the
22 scenario is being developed now, workers at West
23 Point and school children would be released to go
24 home.

25 These people would fall into the

1 figures in Orange County and would become part of
2 our responsibility.

3 We have, I believe, 4000 cadets at
4 West Point and 4000 other government employees --
5 other people, such as families and this type of
6 thing.

7 I believe the way they envision it
8 right at this moment is that the cadets, if an
9 evacuation would have to be put into place, would
10 be taken up to Stewart and put into housing at the
11 Stewart Air Base, Stewart Airfield. In that area
12 there are some Army facilities over there.

13 Again, I indicate that West Point has
14 taken kind of an about face and is changing their
15 planning process over this past year, and I don't
16 believe they have completed it yet.

17 JUDGE PARIS: I was trying to
18 reconcile your figures with the figures given in
19 this for the evacuation planning area that
20 includes the West Point Military Academy. But
21 obviously the situation is complex there and I am
22 not going to be able to do that.

23 THE WITNESS: (Witness Schmer) Right,
24 sir. In that most of the people at West Point are
25 not considered or do not live in that immediate

1 area.

2 JUDGE PARIS: All right. Let me ask
3 you, Mr. Schmer, one other question. Are there
4 reception and primary care centers in Albany, New
5 York? You said if the boat picked up people and
6 had to go north, they would end up in Albany and
7 they would be taken care of there.

8 THE WITNESS: (Witness Schmer) Yes,
9 sir. Well, let me elaborate on that. As I
10 pointed out before, every time we run an exercise,
11 every time you review your plan, you usually come
12 up with something new and you have to address that.

13 This was one of the things that we
14 came up with about two months ago and we made
15 Albany, the people up in Albany aware of this
16 particular scenario and they are working on
17 reception and congregate care centers in the event
18 this particular situation did develop.

19 JUDGE PARIS: They are in the works;
20 you don't know whether they are set up?

21 THE WITNESS: (Witness Schmer) Yes,
22 sir. I don't believe it has been finalized, but I
23 do know for a fact they are aware of this and are
24 working on it.

25 JUDGE PARIS: All right. You

1 testified that your evacuation time estimates took
2 into account snowstorms and other adverse weather
3 conditions. I would like to ask both of you this
4 question: You know what I mean when I refer to the
5 blizzard of 1983?

6 THE WITNESS: (Witness Schmer) Yes,
7 sir.

8 JUDGE PARIS: Immediately after the
9 snowfall and during the blizzard of 1983 were
10 there abandoned cars on roadways in your counties?

11 THE WITNESS: (Witness Schmer) Yes,
12 sir, there was. What we did in Orange County, we
13 made arrangements for a number of facilities to be
14 opened up. My EOC was one of them. I have two
15 dormitories, a women's dorm and a men's dorm that
16 can sleep about 40 people in each.

17 The Middletown Psychiatric Center
18 opened up and I believe one other facility.

19 We opened up my EOC at about 11:30
20 that evening. We kept open all night. Local
21 police people working with the sheriff's
22 department and did run the roads. In fact, I ran
23 the roads with them for a little while and we did
24 pick up some people and take them to either one of
25 these facilities and put them up for the night.

1 JUDGE PARIS: You took care of the
2 people who left the abandoned cars.

3 THE WITNESS: (Witness Schmer) Yes,
4 sir.

5 JUDGE PARIS: I am interested in the
6 abandoned cars. When were the abandoned cars
7 cleared from the roadways?

8 THE WITNESS: (Witness Schmer) I ran
9 the road the next morning, rather early, I would
10 say about 9 o'clock, and in most cases they were
11 gone.

12 JUDGE PARIS: By 9 o'clock the next
13 morning?

14 THE WITNESS: (Witness Schmer) In
15 most cases they were gone, your Honor, by 9
16 o'clock the next morning.

17 JUDGE PARIS: How about in your
18 company?

19 THE WITNESS: (Witness Scalpi) The
20 only place we had abandoned cars was on the main
21 high highways, like Route 84. I noticed there
22 were a couple of cars on Route 9 when we made the
23 run. All these cars were gone by 8 o'clock in the
24 morning.

25 JUDGE PARIS: Thank you.

1 MS. POSNER: Excuse me, one question
2 that I should have asked and I didn't.

3 JUDGE GLEASON: Go ahead.

4 CONTINUED CROSS-EXAMINATION

5 BY MS. POSNER:

6 Q. Was your final response to Parents
7 Concerned about Indian Point a rejection of our
8 point to have an observer at the Putnam County EOC?

9 A. (Witness Scalpi) I didn't respond,
10 did I?

11 Q. Well, I called you up and asked you
12 if we could, what your response was. Was your
13 response to me at that time no?

14 A. (Witness Scalpi) Don't you remember
15 what it was?

16 Q. For the record, please.

17 A. (Witness Scalpi) I probably told you
18 no.

19 Q. Was there in fact an observer from
20 the intervenors at the Putnam County EOC on March
21 9?

22 A. (Witness Scalpi) No, ma'am.

23 MS. FLEISHER: Excuse me.

24 Judge Paris mentioned the population
25 figures and mentioned the 92,000 from Rockland.

1 Mr. Davidoff appeared before us on March 23 and I
2 have before me the reference when Exhibit 10 was
3 introduced. It is on transcript number 11310.

4 We talked about it at that time, and
5 he mentioned that this was the plan for Rockland
6 County, which was the newer plan or the newest
7 plan, and that he had changed the population in
8 the plan to the amount that Rockland County has
9 put in it.

10 I think it is time, for the record,
11 that we, if you don't mind, changed the 92,000
12 figure to what has now been corrected by that and
13 by Mr. O'Lear's testimony of last July, to
14 108,000 as the proper population for Rockland
15 County.

16 JUDGE PARIS: They testified 208,000?

17 MS. FLEISHER: 108 thousand. We are
18 talking about within the EPZ. Only within the EPZ.
19 Mr. O'Lear testified 109.

20 For some reason or other Mr. Davidoff
21 and Mr. McGuire and Mr. Smith put it in at 108,
22 but it is a lot closer to the correct one than 92
23 nine is.

24 JUDGE PARIS: Thank you for reminding
25 me.

1 MR. PIKUS: The record speaks for
2 itself.

3 THE WITNESS: (Witness Schmer) For
4 some reason I am having some problem taking all
5 these figures out of my mind, your Honor. I
6 believe the figure I have been alluding to is
7 perhaps -- I may be including transients that
8 could be in the park on a summer day. I may be
9 including these.

10 But for some reason or other a total
11 figure that comes to mind is 23 some odd thousand.

12 JUDGE GLEASON: All right.

13 Did you want to say anything because
14 I am going to excuse you?

15 MR. PIKUS: I also have some very
16 brief redirect.

17 JUDGE GLEASON: There is no redirect
18 on this. What do you mean redirect?

19 MR. PIKUS: I directed the examination,
20 Judge. I presumed that I was entitled to redirect.
21 I have three questions.

22 JUDGE GLEASON: You were cross
23 examining in this area.

24 Did you want to say something?

25 THE WITNESS: (Witness Scalpi) Yes, I

1 do. I would like to clear something up that Mrs.
2 Posner said about --

3 JUDGE GLEASON: Let your lawyer do
4 whatever redirect he has to do and I hope he makes
5 it brief, because this examination has gone way
6 beyond the pale which we allow, in my view.

7 MR. PIKUS: It will be brief.

8 REDIRECT EXAMINATION

9 BY MR. PIKUS:

10 Q. Mr. Schmer, I believe Ms. Fleisher
11 showed you a large document entitled "The Rockland
12 County Emergency Radiological Response Plan," is
13 that correct? The booklet with the three rings.

14 A. (Witness Schmer) She showed me a plan.
15 I believe it was Orange County's, though.

16 Q. Is that the latest version of the
17 plan, to your knowledge?

18 A. (Witness Schmer) With reference to
19 those tables, I believe it is, yes. Not the
20 entire plan.

21 Q. You were asked a question about
22 communications between Rockland County and Orange
23 County. Do you know whether there is a direct
24 communications capability between the two county
25 EOCs?

1 A. (Witness Schmer) Yes, there is.

2 MS. FLEISHER: I didn't ask about the
3 EOC, Mr. Pikus.

4 JUDGE GLEASON: Ms. Fleisher, if you
5 want to make an objection to the question, make
6 the objection, but we don't want testimony from
7 representatives here.

8 MS. FLEISHER: I object. He is
9 characterizing what I said. I didn't ask if the
10 EOCs --

11 JUDGE GLEASON: She has made her
12 objection. What is your response to that?

13 MR. PIKUS: He was asked a question
14 about communications between the two counties, and
15 then I went on to ask whether that communication
16 can be facilitated via the EOCs.

17 JUDGE GLEASON: Objection denied.
18 Respond to the question.

19 MS. FLEISHER: He just characterized
20 his question incorrectly again. The question was
21 not what he said. The question was can the police
22 departments contact each other. We did the not
23 ask if the counties can contact each other.

24 JUDGE GLEASON: He is asking a new
25 question.

1 Ask the question again.

2 Q. My question is simply this, Mr.
3 Schmer: You were asked a question about
4 communications between the two counties. Can the
5 Rockland County and the EOC and the Orange County
6 EOC access each other for direct communication?

7 A. (Witness Schmer) You have a number of
8 communication systems in place between counties.
9 You have the executive hot line. In addition you
10 have NAWAS which is in the EOCs and in the warning
11 points, which in my most cases are in the sheriff's
12 departments or local police departments.

13 This sets up a very advanced type
14 communication system between all counties in the
15 state, all counties and cities in the country, as
16 a matter of fact.

17 Q. You were asked a question by Ms.
18 Posner about the computer terminals that the
19 licensees provided you. Would this be the system
20 known as Midas, M I D A S?

21 A. (Witness Schmer) I believe it is, yes.

22 Q. And do you know whether this system
23 is capable of giving you radiological data as well
24 as meteorological data?

25 A. (Witness Schmer) The system is

1 capable of doing this. I understand they are
2 undergoing some changes in the system right now
3 that are not completed, but I believe we will have
4 this capability.

5 MR. PIKUS: I have no further
6 questions

7 JUDGE GLEASON: Gentlemen, you are
8 excused. Thank you for your testimony.

9 MR. PIKUS: On behalf of the Power
10 Authority, gentlemen, thank you very much.

11 JUDGE GLEASON: I gather that those
12 are all the witnesses we have available for today.
13 We will start with the staff's witnesses at 9 a.m.
14 in the morning.

15 There is a stipulation here today
16 which has been submitted by Ms. Fleisher regarding
17 the testimony of Intervenor's witness, Frank
18 Fischer, stipulation signed by Ms. Potterfield,
19 Mr. Pikus, Mr. Brandenburg and Mr. Hassell.

20 The board will approve having that
21 stipulation printed in the record. I request that
22 it be inserted in the record.

23 (The document follows:)

24
25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Administrative Judges:

James Gleason, Chairman
Dr. Oscar H. Paris
Frederick J. Shon

In the Matter of

CONSOLIDATED EDISON COMPANY OF NEW YORK
(Indian Point, Unit 2)

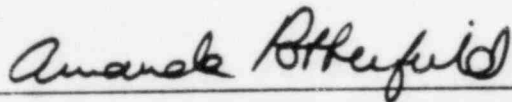
Docket Nos. 50-247-SP
50-236-SP

POWER AUTHORITY OF THE STATE OF NEW YORK
(Indian Point, Unit 3)

March 30, 1983

STIPULATION TO TESTIMONY OF INTERVENOR'S WITNESS FRANK FISCHER

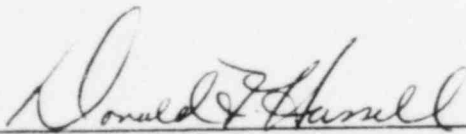
The undersigned attorneys for Intervenors, the NRC Staff, Consolidated Edison Co. and the Power Authority of the State of N.Y. hereby stipulate that, if called to testify, Frank Fischer would testify to the facts as set forth in his pre-filed testimony annexed hereto along with his certification of adoption.



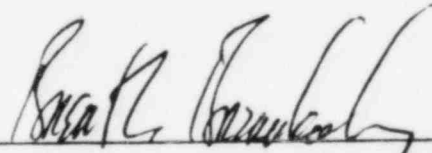
Amanda Potterfield, Esq.
for the Intervenors



David Pibus, Esq.
for PASNY

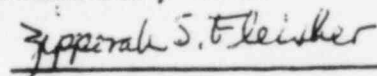


DONALD HASSELL, Esq.
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FOR WEST BRANCH CONSERVATION ASSOCIATION, INC.
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by Zipporah S. Fleisher
Secretary

ORANGE AND ROCKLAND UTILITIES, INC.

DIRECT TESTIMONY

OF

FRANK E. FISCHER

1 Q. Please state your name and business address.

2 A. My name is Frank Fischer and my business address is One Blue
3 Hill Plaza, Pearl River, New York 10965.

4 Q. By whom and in what capacity are you employed?

5 A. I am employed by Orange and Rockland Utilities, Inc. as Vice
6 President of Engineering and Production.

7 Q. Please provide a brief outline of your business and educational
8 experience, including professional society affiliations.

9 A. I attended Manhattan College from 1951 to 1955 and graduated
10 with a degree of Bachelor of Electrical Engineering. From 1955
11 to 1957 I was with the United States Air Force, and from 1958
12 to 1973 I held various management positions with the Consolidated
13 Edison Company of New York. In 1973, I became Chief Electrical
14 Engineer, a position which I held until 1978 at which time I
15 joined Orange and Rockland Utilities as Vice President for
16 Engineering and Power Development. In 1979, I became Vice
17 President for Engineering and Production. I am a member of the
18 Board of Directors of the Empire State Electric Energy Research
19 Corporation, ██████ Chairman of the Planning Committee and alternate
20 member of the Operating Committee of the New York Power Pool.
21 I am a member of the Edison Electric Institute Executive Advisory
22 Committee on Fossil and Synthetic Fuels and a member of the
23 Northeast Power Coordinating Council System Design Coordinating
24 Committee. I have been a member of the Edison Electric Insti-
25 tute, Electrical Systems and Equipment Committee and Chairman

FRANK E. FISCHER

1 of the subcommittee on Systems and Equipment Troubles from 1969
2 to 1978. I have been a member of the Electric Systems Advisory
3 Committee of the Electric Power Research Institute, a member of
4 the Association of Edison Illuminating Companies (AEIC)
5 Committee on Electric Power Apparatus, the United States repre-
6 sentative to the CIGRE Working Group of Metal Clad Substations
7 and also the Advisor to the United States Representative of
8 CIGRE on Study Committee 14 on A.C. and D.C. Conversion Equipment.
9 I have been a member of the Switchgear Committee and the Power
10 Circuit Breaker Committee of the Institute of Electrical and
11 Electronic Engineers from 1964 to 1972. I am also a licensed
12 professional engineer in the states of New York and New Jersey.
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ORANGE AND ROCKLAND UTILITIES, INC.

one blue hill plaza, pearl river, new york, 10965 914-352-6000

writer's direct dial number

914-627-2424

July 19, 1982

BY HAND

Mrs. Z. S. Fleischer
West Branch Conservation Association
443 Buena Vista Road
New City, New York 10956

Dear Mrs. Fleischer:

The following are the responses to the questions which you directed to Stephen L. Baum in your letter of May 26, 1982.

Question 1. Does each plant require people to operate it or can one or both operate for a period of time without personnel? Please advise the time limits.

Answer Each plant requires operators whenever it is in service. The plants cannot be operated without any personnel present.

Question 2. If an emergency took place and an operator at one or both plants felt the need to leave to evacuate his family could he call in a replacement? Is there an arrangement for emergency personnel to report to the plants upon hearing the sirens? What other ways do you have to communicate with outside personnel not on the premises? How long would it take to be sure that the plants have a proper complement capable of running the plants?

Answer Sufficient operators are assigned to each plant at all times to assure their safe and reliable operation. Operators must remain on duty until properly relieved, either by another operator or by a supervisor in an emergency. If additional personnel are required because of the unavailability of personnel on duty,

July 19, 1982

they are called in by the supervisors by telephone. A sufficient number of personnel are scheduled for duty at all times to insure that the proper complement capable of running the plant is always available.

Question 3. What assurance, letters of agreement or contracts do you have from employees that they will either stay on the job or report for work? Please supply sample copy of such agreement.

Answer Employees under the Collective Bargaining Agreement agree to report to work and to remain on the job until properly relieved.

Question 4. If either or both plants were to shut down for any reason during such an emergency what automatic substitute would come on the line? How many MW would be supplied from the Pool and for how long?

Answer If it were necessary to evacuate all personnel from either or both plants they would be shut down prior to the evacuation of personnel. High voltage transmission interconnections to the New York Power Pool would be capable of supplying the power requirements of the Orange and Rockland system during this period. The cost of operation would be significantly higher than it would be if the energy were provided from our own plants but the electric system would be capable of continuing operation in this mode.

Question 5. Is there any radiation monitoring equipment available to personnel at either plant in the event of an accident at Indian Point?

Mrs. Z. S. Fleischer
Page 3
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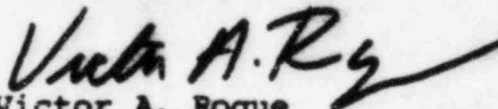
Is there any protective clothing for those who choose to remain at their jobs? Is there any dosimeter for each employee or radiation badge?

Answer

There are no radiation monitoring or protective equipment at either plant for the use of personnel during an emergency. Instructions on the evacuation of these plants will be received from the Civil authorities in accordance with the Emergency Plan in effect at the time. When ordered to do so by the competent authorities, the personnel of the plant will be evacuated.

As Mr. Frank E. Fischer discussed with you in a previous telephone conversation, he is prepared to support these responses at the NRC hearings, if so requested by you.

Very truly yours,


Victor A. Roque
Senior Attorney

VAR/amr

cc: F. E. Fischer

1 JUDGE GLEASON: There was a motion
2 that was submitted today, I believe by the
3 Intervenors, for the production of documents
4 generated during the March 1983 planning exercise,
5 and if we have some time we will get that motion
6 argued.

7 Has everyone received copies of it
8 and is everyone prepared to discuss it?

9 MR. PIKUS: Judge, I haven't had a
10 chance to read this document yet.

11 JUDGE GLEASON: Let's take a ten-
12 minute recess, read it, and then we will come back.

13 (There was a short recess.)

14 JUDGE GLEASON: All right, if we may
15 proceed, please.

16 Did you want to make any other
17 comment in addition to your motion?

18 MS. POTTERFIELD: No, Judge Gleason,
19 we will rest on our motion.

20 JUDGE GLEASON: Who would like to
21 respond first? Mr. Hassell?

22 MR. HASSELL: Yes. My comments are
23 fairly brief.

24 JUDGE PARIS: Mr. Hassell, would you
25 get your mike over there, please.

1 MR. HASSELL: My comments are fairly
2 brief is what I began by saying. Leaving aside
3 the question of this motion's compliance with 10
4 CO 4, section 2.744, which calls for a special
5 procedure for having staff to produce documents;
6 leaving that aside, 't is my understanding that
7 with respect to the NRC staff, that the staff has
8 produced an inspection report, the number of which
9 is 50-247/83-09, which concerns the NRC staff's
10 evaluation of the licensee's performance during
11 the March 1983 exercise.

12 It is my understanding that that
13 report is currently being reviewed to determine
14 whether any information is proprietary in nature.
15 We have requested that the region shorten that
16 review, which normally takes ten days. They have
17 agreed to try and have that review completed
18 within five days, after which I would immediately
19 file that report with the board and all the
20 parties, the persons on the service list.

21 As to the question of the draft
22 material, I guess it is my view there is really no
23 need for that by now, given that the report is
24 completed.

25 In any event, there is still a

1 question about the draft material, that would also
2 have to be subjected to this review for
3 proprietary information, which is called for by
4 NRC regulations.

5 Beyond that I have no further
6 response.

7 MR. GLASS: I have a number of issues
8 to address on this.

9 First of all, reading the original
10 commission order of August 20, 1982, it is not
11 clear that they are looking for background
12 information or rough notes or individual
13 exsecret forms. They are talking about extensive
14 documentation. They could be referring in this
15 case to the final product or the finished report.

16 One of the reasons that leads me to
17 believe that that was their intent is when you
18 read the attached statements of Commissioners
19 Roberts and Ahearne, they raise very serious
20 concerns as to the chilling effect of releasing
21 individual exsecret forms completed by individual
22 team members.

23 We, unfortunately, have had some
24 experience with this chilling effect in the past
25 with problems of reactions by individuals finding

1 out that a particular observer made certain
2 comments about the performance of these
3 individuals.

4 The FEMA observers and other federal
5 observers carry out their duty in the highest
6 regard and sometimes have to put comments that are
7 quite critical as to the activity carried on by
8 the people they are observing. There are many
9 cases when they in their other duties have to
10 interact with these people and it does cause
11 problems.

12 So that addresses two portions right
13 there.

14 We originally had no problem with the
15 intervenor's original request of filing their
16 supplemental testimony three days after our post
17 exercise assessment came out, and we would feel
18 that that would provide them the information that
19 is necessary without having to worry about the
20 chilling effect and the possible problems with
21 disclosure of individual exsecret reports.

22 I think that Commissioner Roberts
23 probably speaks more eloquently to that particular
24 problem than I can.

25 As to the item B, which deals with

1 the logs of phone calls made to reception centers,
2 we are working on a report with that information.
3 We would have no problem. This is all factual
4 information, and we would have no problem
5 releasing that background information.

6 I will have to get back to the board
7 as to the exact date that we would make it
8 available. Our people are utilizing it right now
9 and are working on the final report dealing with
10 that part of our verification process.

11 We do have another concern. We would
12 like to be the ones bringing out the report. We
13 find it a little disconcerting that things we have
14 produced at these hearings end up in the
15 newspapers in a different format, being released
16 by other parties. So we would like to be able to
17 coordinate that aspect.

18 Our main concern I think has been
19 expressed, which has to do with the chilling
20 effect and with the impact on our work in progress
21 right now.

22 JUDGE GLEASON: Go ahead, Mr. Hassell.

23 MR. HASSELL: One other item. That
24 is, should the board require disclosure drafts,
25 the staff reserves its right to claim privilege

1 with respect to any of that material.

2 JUDGE GLEASON: I understand.

3 MR. PIKUS: May the Power Authority be
4 heard on this motion?

5 JUDGE GLEASON: Yes, go ahead.

6 MR. PIKUS: Your Honors, the Power
7 Authority supports FEMA's motion or FEMA's
8 position in response to the motion, number one,
9 for the reasons stated by the FEMA representative,
10 and number two, because the request appears to be
11 insufficiently specific.

12 While the request does not
13 specifically and directly apply to the licensees,
14 because we do have a regulatory relationship with
15 both, nRC and FEMA, we could potentially suffer an
16 adverse impact as a result of the production of
17 the documents.

18 We have a second concern. I question
19 Mr. Glass as to whether the materials --

20 JUDGE GLEASON: I am not sure I
21 understood that last point. It could have an
22 adverse impact?

23 MR. PIKUS: They have not asked, Judge
24 Gleason, for documents in the hands of the Power
25 Authority. They have asked for documents

1 concerning an exercise which relates to the Power
2 Authority's facility. And if there is any
3 interference with FEMA's evaluation process, that
4 could have some unintended impact adversely on our
5 operating license, or at least on the regulatory
6 relationship between those two federal agencies
7 and our client.

8 The other concern that I have, I
9 raise the question with Mr. Glass as to whether
10 this document request could encompass documents
11 that were sent by the licensees confidentially to
12 FEMA, and he indicated to me that he did not know
13 but that it was a possibility. So that would be a
14 second reason why the Power Authority would
15 support the FEMA position on the motion.

16 JUDGE GLEASON: Mr. Brandenburg.

17 MR. BRANDENBURG: If Mr. Glass is
18 concerned about the chilling effect, Mr. Chairman,
19 I think Con Edison must be similarly concerned
20 because the effectiveness of FEMA's ability to
21 discharge its audit responsibilities for this
22 exercise has the impact upon our licensing status,
23 for the reasons mentioned by Mr. Pikus.

24 I might add that to the extent the
25 motion reaches the New York State Radiological

1 Preparedness Group, that Mr. Feinberg is not with
2 us today.

3 JUDGE GLEASON: I think the board is
4 aware of that, Mr. Brandenburg.

5 MR. BRANDENBURG: I have nothing else.

6 MS. POTTERFIELD: Judge Gleason, I
7 wasn't exactly clear about Mr. Glass' indication
8 that he would have less of a problem if our
9 testimony on the drill was not going to be due
10 until April 18 instead of April 11, as the
11 licensees are insisting. I don't quite know how
12 to respond to that, except to say that we are
13 caught in a dilemma here, since we have the
14 licensees opposing us on one hand and, as I
15 understand it, Mr. Glass wouldn't have such a
16 strong opposition if the licensees would permit us
17 to file our drill testimony later than they are
18 now insisting on. I just mean to say we are in a
19 little bit of a bind.

20 JUDGE GLEASON: Would you like him to
21 clarify it?

22 MS. POTTERFIELD: Yes, your Honor.

23 MR. GLASS: My interpretation of the
24 original commission order says that there is a lot
25 of information available generated by FEMA and

1 finished.

2 MS. POTTERFIELD: The licensees insist
3 we file our drill testimony on the 11th, which is
4 well before FEMA's report is due, we have, of
5 course, this great need for the information.

6 JUDGE GLEASON: That is something
7 different than what you are saying, Mr. Glass.

8 MR. GLASS: We agree. The solution
9 that I then propose is that, A, if the Intervenors
10 would only be requesting the post exercise
11 assessment and that the licensees withdraw their
12 objection to their filing the supplemental
13 testimony three days after the --

14 JUDGE GLEASON: The preliminary
15 question is whether the filing of the testimony by
16 the Intervenors subsequent to the evaluation by
17 FEMA will be adequate in the place of the
18 information being requested here by the
19 Intervenors.

20 Only Ms. Potterfield can answer that.

21 MS. POTTERFIELD: We are asking for
22 the drafts reports anyway. I really mean to say
23 we are not really asking for the draft reports. I
24 understand from my conversations with Mr. Glass we
25 are asking for the reports that are the summary of

1 the draft reports. I forget what we call them.

2 Anyway, we are asking for more than
3 the post exercise assessment in any event.
4 Because our testimony is due so early we have this
5 additional added need for all of it.

6 JUDGE GLEASON: Let's not argue what
7 you need. I want to argue what you want.

8 MR. GLASS: I am a little confused.
9 Are you saying you want now the individual
10 exsecrets or do you want the team leader exsecrets?

11 MS. POTTERFIELD: As I understand it
12 from our conversation, what we want are both, the
13 individual and team leader exsecrets, if I
14 understand what they are from our conversation.

15 MR. GLASS: To clarify for the record,
16 an exsecret form is a form that contains a series
17 of ten areas with subareas dealing with specific
18 areas -- specific subject areas that have to be
19 observed or are intended to be observed by the
20 individual observer, for want of a better word.

21 Not every observer observes every
22 single section on that exsecret form, but the
23 individual does report his own personal
24 observations, and divulging that causes a very
25 serious problem.

1 A, the individual has only seen one
2 aspect. He may be somebody in the field who may
3 be making notes about receiving certain
4 documentation or seeing a particular response and
5 not having the full information of what went on
6 from the EOC where that information may have been
7 dispatched from. That's why it may be misleading
8 in that regard, number one.

9 Number two, again I am very concerned
10 about the chilling effect. We have had some
11 rather negative responses. I think even listening
12 to two witnesses today, there are very strong
13 opinions that individuals who have the
14 responsibility for carrying out these duties hold,
15 and when FEMA criticize is them, their reaction is
16 very strong, to put it mildly.

17 MS. POTTERFIELD: We have offered in
18 the course of our negotiations, Judge Gleason, we
19 have indicated that we are quite willing for them
20 to black out any names or any other identifying --
21 anything that would identify individuals working
22 for FEMA.

23 MR. GLASS: It is known basically
24 which individual was at which location, and
25 blocking out the names and still having the

1 individual exsecrets may solve the problem in one
2 or two of the situations where we have a number of
3 people, such as observing traffic control points.

4 But in other areas, such as the EOC,
5 it will still cause serious problems.

6 JUDGE GLEASON: What is the summary?

7 MR. GLASS: What ends up happening is
8 we have the team leader teams meet together and
9 sit down and then evaluate the individual
10 exsecrets, using that as a back-up, and then
11 discuss, for example, somebody may say that I
12 observed the buses and they didn't show up in a
13 timely manner. The individual who is there when
14 it was dispatched would say that they didn't
15 receive the dispatching word until this particular
16 time because the scenario did not unfold in the
17 manner we originally expected.

18 The scenario is the general outline
19 of times it is going to unfold, but it is
20 contingent on the actions of the players. We may
21 expect the buses may will roll at 11 o'clock but
22 they may run at 10:30 or 12:30 because it is up to
23 the players to determine when those actions are
24 taken.

25 So they get together and get all that

1 information together so you get a much clearer
2 report.

3 JUDGE GLEASON: What you are saying is
4 a summary is a more accurate document?

5 MR. GLASS: Yes, probably in a way
6 that you would not be able to identify any one
7 individual.

8 JUDGE SHON: That's a team exsecret?

9 MR. GLASS: Team exsecret form.

10 JUDGE SHON: Would the team exsecrets,
11 the summaries, do for your purposes?

12 MS. POTTERFIELD: We have asked for
13 all of them but if there is a way of getting the
14 team leader exsecrets, we are quite willing to
15 negotiate that.

16 JUDGE GLEASON: Mr. Brandenburg, you
17 wanted to say something?

18 MR. BRANDENBURG: It was tangentially
19 testified as to the time we would be receiving the
20 Intervenor's post exercise testimony, and I am
21 happy to report to the board after our colloquy on
22 the record last Friday the licensees have reached
23 agreement with the intervenors that we will be in
24 receipt of their post exercise testimony on the
25 11th of April and that will be sufficient for our

1 purposes in order to prepare for cross-examination
2 on the 26th.

3 JUDGE GLEASON: That takes care of
4 that end of it.

5 The one thing that is still remaining,
6 what is your response to what Mr. Hassell has said,
7 Ms. Potterfield?

8 MS. POTTERFIELD: I remember from last
9 year, and my memory might be faulty, that we went
10 through this process with the NRC staff on our
11 request last year, and they were able to turn over
12 to us some stuff.

13 Is that wrong, Mr. Hassell?

14 MR. HASSELL: That's not my
15 recollection at all. Last year, my recollection
16 is you never reached the question of production.
17 You only reached the question of whether the
18 documents should be preserved. So this is the
19 first time you are hearing this position with
20 regard to production.

21 MS. POTTERFIELD: We are always much
22 more interested in what's happened off site than
23 on site anyway. I suppose my answer would be we
24 would be willing to wait for this review process
25 that Mr. Hassell indicates is necessary and then

1 to get his documents whenever, whatever he is
2 willing to turn over after that, later than we get
3 the others documents. We are particularly anxious
4 about the off site observances.

5 MR. BRANDENBURG: I don't know if we
6 can help Mr. Glass, but I think with respect to
7 the on site materials that Mr. Hassell referred to,
8 that the licensees are involved in the proprietary
9 review process and I, on behalf of Con Edison,
10 will assist Mr. Hassell and all of the parties in
11 whatever way we can to accelerate the proprietary
12 process to make the on sets documents available
13 that much sooner.

14 JUDGE GLEASON: I am sorry, would you
15 summarize that again?

16 MR. BRANDENBURG: The burden of Mr.
17 Hassell's remarks earlier is there is a staff
18 report on the on site aspects of the exercise and
19 NRC staff report that is undergoing proprietary
20 review clearance which is a procedure that takes
21 ten days.

22 I just wanted to offer and extend Con
23 Edison's efforts to help accelerate that process
24 by telephone approvals or whatever mechanism we
25 can to accelerate the proprietary review process

1 and make these staffs on site assessment available
2 to the parties that much sooner.

3 JUDGE GLEASON: That will be helpful.

4 Were we are going to have to do now
5 is hear from the New York State Preparedness Group
6 and we will have Mr. Louis get in touch with him
7 by telephone and ask for a response by telegram,
8 hopefully tomorrow, so maybe tomorrow we can have
9 some ruling on this.

10 So that's all, really, we can do with
11 that question at this time.

12 There are two other things. We had
13 sent a telegram in connection with this
14 controversey with GNYCE, we sent out an order by
15 telegram yesterday. I assume the people received
16 it.

17 We need to get some quick resolution
18 of this and we don't know how rapidly you are
19 planning on doing this additional interrogation,
20 but it had better be done in a prompt fashion.

21 We also should get back a response
22 from you on the preparedness thing as rapidly as
23 possible, as to whether you want to respond to
24 that or not. We have asked for a response in
25 connection with he Parents' response to your

1 motion to compel, in essence. We have asked for a
2 response.

3 The last item is we need to get --
4 where is Ms. Potterfield?

5 MS. FLEISHER: She went to make a
6 phone call. She will be right back.

7 JUDGE GLEASON: We need to have a list
8 of witnesses from the Intervenors with respect to
9 this drill exercise, because we have to schedule
10 time on this. We do have some from Rockland
11 County witnesses and I don't know whether there is
12 going to be any additional witnesses on the part
13 of the licensees or not. I would gather not but I
14 don't know.

15 MR. PIKUS: I don't believe so.

16 JUDGE GLEASON: We only have a two-day
17 period and we have to allocate time and make some
18 decisions. The more we turn around as a board
19 here on short notice, why the less time we really
20 have to give these things the evaluation we would
21 like to give them.

22 MR. PIKUS: I don't believe the Power
23 Authority will have witnesses but I will have a
24 definite answer for you tomorrow.

25 MS. FLEISHER: Your Honor, if I may,

1 Mr. Bowers asked about Tuesday and if we could
2 have him on Tuesday, the 27th, at 4 p.m. I will
3 put his name in formally.

4 JUDGE GLEASON: Mr. Bowers?

5 MS. FLEISHER: He is the ambulance
6 coordinator in Rockland County.

7 We are having such a bad time getting
8 our witnesses over here. I don't know why they
9 think it is such a trip. You will, several
10 witnesses on our list wouldn't come this far. A
11 particular one is the man in charge of the -- the
12 chief of the fire chiefs, Mr. Greg Santone. He
13 said he would only come if we had an evening
14 session.

15 Do you expect we could do that on
16 Tuesday evening, or not?

17 JUDGE GLEASON: We could try it that
18 week. Let me take a look at it.

19 MS. FLEISHER: That would be a great
20 help to us.

21 JUDGE GLEASON: Let me get something
22 clear, you are talking about witnesses you
23 couldn't get to come last week?

24 MS. FLEISHER: That's a separate item.
25 I am not talking about that.

1 JUDGE GLEASON: That phase is over
2 with.

3 MS. FLEISHER: I am not talking about
4 that. I am talking about the witnesses now post
5 drill.

6 JUDGE GLEASON: You have to work that
7 thing out with the intervenors as far as the
8 number because we have two days to allocate.

9 MR. HASSELL: Let me just raise the
10 possibility that it may be that the staff -- well
11 I would assume at some point, depending upon what
12 the NRC inspection report says, the board may very
13 well have an interest in having the NRC staff say
14 something with respect to that.

15 JUDGE GLEASON: We have to see the
16 report first.

17 JUDGE GLEASON: Does anyone know if
18 Mr. Blum is scheduled to show up tomorrow?

19 MS. POTTERFIELD: I know he isn't
20 scheduled to show up tomorrow.

21 JUDGE GLEASON: All right, we will
22 recess until tomorrow at 9 o'clock, at which time
23 we shall have Mr. Lifton, is that right?

24 MS. POTTERFIELD: Yes. Let me just
25 say for those parties that don't know it, Dr.

1 Kagen won't be able to appear tomorrow. Dr.
2 Lifton will be here, and with the board's
3 permission, we would be happy to get a couple of
4 other witnesses who we weren't able to fit in
5 during our week so that the time can be used most
6 productively.

7 As you know, Dr. Lifton won't be here
8 until 3 o'clock. I don't know how long the staff's
9 witnesses will take. We are trying to reach Ms.
10 Blattstein, who was also a witness, whom we gave
11 notice of last week, and also Dr. Zelnick. We
12 will try to make them available if that's
13 permissible.

14 JUDGE GLEASON: As I have indicated
15 before, if there is time available and we have
16 them here, all right. If the time is not
17 available, we cannot hear them. That's all we can
18 do.

19 MS. POTTERFIELD: I understand that.

20 JUDGE GLEASON: I guess I misspoke
21 that Mr. Lifton was to be on the stand tomorrow at
22 9 o'clock. So we will start with the staff's
23 witnesses.

24 MR. HASSELL: Mr. Schwartz and Mr.
25 Sears at 9 a.m.

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JUDGE GLEASON: See you in the morning.
(Hearing a recessed at 4:15 p.m.)

1 NUCLEAR REGULATORY COMMISSION

2

3 This is to certify that the attached proceedings
4 before

5 THE ATOMIC SAFETY AND LICENSING BOARD

6 in the matter of: CONSOLIDATED EDISON COMPANY OF
7 NEW YORK (Indian Point Unit 2) -
8 POWER AUTHORITY OF THE STATE OF
9 NEW YORK (Indian Point Unit 3)

10 Date of Proceeding: March 30, 1983

11 Docket Number: 50-247 SP and 50-286 SP

12 Place of Proceeding: White Plains, New York

13 were held as herein appears, and that this is the
14 original transcript thereof for the file of the
15 Commission.

16 Raymond DeSimone

17 Official Reporter

18

Raymond DeSimone

19

Ruth Bennett

20

Official Reporter

21

Ruth Bennett

22

RYTA RONCHER

23

Official Reporter

24

Ryta Roncher

25